श्री सुरेश पचौरी : उसको कार्यवाही से निकाल दीजिए।

SHRI SATISHCHANDRA SITARAM PRADHAN: I don't mind.

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): That name may be deleted.

SHRI SURESH PACHOURI: Thank you, Sir.

SHRI SATISHCHANDRA SITARAM PRADHAN: I don't mind. लेकिन मैंने कुछ गलत नहीं कहा उनके बारे में या उन्होंने अन्याय किया, ऐसा भी नहीं कहा ।

THE VICE-CHAIRMAN (SHRI ADHIK SHIRODKAR): The House is adjourned for lunch till 2.30 P.M.

The House then adjourned for lunch at forty-one minutes past one of the clock.

The House reassembled after Lunch at thirty-three minutes past two of the Clock, THE VICE-CHAIRMAN (SHRI MD. SALIM) in the Chair.

PRIVATE MEMBERS' RESOLUTION

Re.Need for review of the Constitution of India

THE VICE-CHAIRMAN (SHRI MD. SALIM): Now we will take up further discussion on Private Members' Resolution moved by Shri Ramdas Agarwal.

श्री सुरेश पचौरी (मध्य प्रदेश) : उपसभाध्यक्ष महोदय, मेरा इस विषय में एक व्यवस्था का प्रश्न है। मैं आपका ध्यान 2-5-1997 के पार्लियामेंट्री बुलिटेन 36268 की ओर आकर्षित करना चाहता हूं जिसमें सभापति महोदय के बहुत स्पष्ट निर्देश थे। मैं उसको उद्धृत करना चाहता हूं : In his direction giving by Hon'ble Chairman regarding Private Members' Bills and Resolutions and the time-limit for discussion on Private Members' Bills and Resolutions he said, "The maximum time-limit for the discussion on a Private Members Bill or Resolution would be two hours."

महोदय, मैं आपके माध्यम से जानना चाहता हूं कि यह जो रेज्योल्युशन है जिस पर चर्चा की जा रही है इस पर कितना समय व्यतीत हो चुका है? यद्यपि रामदास जी मेरे परममित्र हैं, उन्होंने जो मुद्दा उठाया है उससे मैं असहमत हूं और जो विधि अपनाई जा रही है उससे भी मैं सहमत नहीं हूं। इसलिए मैं इस मुद्दे को उठाना चाहता हूं।

दूसरी बात यह है कि इस मंत्रालय से संबंधित जो दो मंत्री हैं, केबिनेट मिनिस्टर और स्टेट मिनिस्टर वह भी यहां मौजूद नहीं हैं। यदि यह चर्चा यहां खत्म भी हो जाती है, अगर आप इसके डिसकसन की अनुमति प्रदान करते हैं तो इस पर रिप्लाई देने के लिए संबंधित मंत्री मौजूद नहीं हैं। जब मंत्री मौजूद नहीं हैं तो क्या इसका उत्तर देने के लिए उसी विभाग के मंत्री यहां आयेंगे? मैं यह जानना चाहता हूं। मेरी अपनी जानकारी के हिसाब से उन्होंने यह सूचना दी है कि वह आज उपस्थित नहीं होंगे । अगर यह सही है तो भी इस चर्चा का कोई औचित्य नहीं है । इसलिए मैं इस व्यवस्था का प्रश्न उठाना चाहता हूं ।

श्री भारतेन्दु प्रकाश सिंहल (उत्तर प्रदेश) : जो व्यवस्था का प्रश्न था, उस पर मेरा निवेदन है ।...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप भी प्वाइंट ऑफ ऑर्डर उठाना चाहते हैं ।

SHRI SURESH PACHOURI: Under what rule?

SHRI B.P. SINGHAL: I am talking on the same point. सर, उन्होंने कहा कि दो घंटे प्रैसक्राइब्ड हैं । कृपया यह भी बताने की कृपा करें कि कितने प्राइवेट मैंबर्स बिल दो घंटे की सीमा में समाप्त हुए, कितने उसके वॉयलेशन में समाप्त हुए । यह बताने की कृपा करें ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आपने सही फरमाया कि दो घंटे का समय निर्धारित किया गया था । इस विषय पर 2 घंटे 28 मिनट चर्चा हो चुकी है लेकिन कई मैंबर्स के नाम यहां पर हैं जो बोलना चाहते हैं । पिछली बार दस दिसम्बर को जब चर्चा हो रही थी तो श्री रामदास अग्रवाल सहित 6 सदस्य बोल चुके थे । उनके अलावा अभी आपकी पार्टी के चार सदस्यों का नाम है, भारतीय जनता पार्टी के पांच सदस्यों का नाम है, टी.डी.पी. के एक सदस्य का नाम है और दो अन्य का नाम है । यह तो प्राइवेट मैंबर्स रेज़ोल्यूशन है, अकसर दूसरे मामलों पर भी हम चर्चा कभी-कभी स्पिल ओवर कर जाते हैं।

श्री सुरेश पचौरी : अगर ज्यादा समय लेना चाहते हैं तो इस संबंध में हाउस का कंसैंसस ले लीजिए । इसके अतिरिक्त यहां पर मंत्री जी भी मौजूद नहीं हैं ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): जहां तक मंत्री जी का मामला है, मंत्री जी खुद ...**(व्यवधान)**...

SHRI PRANAB MUKHERJEE (West Bengal): Mr. Vice-Chairman, I think it would be better, if you take the consensus of the House. *(Interruptions)...* I have no problem of having a discussion on this issue because different political parties have their own perceptions. But I would like to request you that the rules and conventions should be followed. Before you proceed further, if you can take the consensus of the House, it would be better. I understand that there are nine Members to speak. In that case, practically, the rest of the day will be engaged in it. I think there is no problem, provided the House agrees and you agree.

SHRI S. VIDUTHALAI VIRUMBI (Tamil Nadu): Mr. Vice-Chairman, Sir, if my memory doesn't fail, the other day the Chair sought the consensus of the House and the House in its wisdom decided that it should be continued the next time also. That is my memory. Sir, you can go through the record. The House expressed its opinion that it could be continued the next time.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Again the House is going to decide it.

SHRI NILOTPAL BASU (West Bengal): Sir, in that case, the ballot for today should not have taken place because the chance of those Members whose Resolutions have been ballotted stands cancelled. If this was the earlier decision of the House that it should be continued, they should have known that the Resolutions of the other Members could be taken up and their names should not have been ballotted. This is unfair to them.

SHRI B.P. SINGHAL: Sir, this is not for the first time that this is happening. I have seen it happening during the Private Members' Business.

THE VICE-CHAIRMAN (SHRI MD.. SALIM): It is not a point of argument. There is no question of arguing. You made your point. They are also making their points. आपको भी इसी बारे में कुछ कहना है ।

SHRI R.S. GAVAI (Maharashtra): Mr. Vice-Chairman, Sir, the Resolution was discussed on 10th December and because it was a discussion of vital nature - I just referred to the debate of last time--a ruling was given by the Chairman that the Resolution should be taken up on the next occasion. I do agree with my hon. friend; the Resolution being of important nature, those who want to speak on the Resolution should not be debarred. Ample time should be given to them. This is a subject which relates to the nation as a whole and, therefore, the addition of the two Resolutions in the computer

agenda was unnecessary because the movers of those Resolutions are deprived of their opportunity. I don't want to enter into that controversy. I request you that those who want to speak on the Resolution must be allowed to speak at the fullest length.

SHRI S. VIDUTHALAI VIRUMBI: Sir, I differ from him. What I feel is that if any party is not represented so far, that can be done. If some Member has already spoken from a party, further addition from the same party should be avoided.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Normally, in the case of Private Members' Resolutions time is not allotted on the basis of party. Every individual Member has a right to speak. You are correct that on the last occasion when it was discussed, the House in its wisdom decided that it should be continued so that more Members could take part. Now, I am told there are 11-12 names. But most of the names are from those parties whose Members have already spoken, like the Congress - four Members have spoken - the BJP - five Members have spoken - one from the TDP *i.e.* Shri Ramachandraiah and two others. It is also true that if the same Resolution continues for long, then the rights of other Members are curtailed. We have already consumed the time allotted to this Resolution *i.e.* two hours. We have already taken two hours and twenty-eight minutes. Now, I think many names are there Mr. Pranab Mukherjee's name is there, Mr. Vayalar Ravi's name is there, Mr. Santosh Bagrodia's name is there, Mr. Kidwai's name is there, and from this side also there are five more names, Mr. Lalit Bhai Mehta, Mr.Narendra Mohan, Mr. Ahluwalia, Mr. B.P. Singhal, Mr. Ravi Shankar Prasad. Now, my request is, if most of the Members just forego their right to speak, then instead of going on discussing it and wasting time, let one or two Members who want to speak on this matter can speak and we can conclude this. Subsequently, we can take up the next Resolution. But the House is supreme. You have to decide. I have to take the sense of the House. Though the sense was taken on 10th December, when this discussion was going on since this point has been raised again, we can take the sense of the House, as you desire.

SHRI S. VIDUTHALAI VIRUMBI: Sir, one Member from each Party.

THE VICE-CHAIRMAN (SHRI MD. SALIM): But so far as the

other question is concerned, Pachouriji, you have raised the question as to who will reply. Mr. Ram Jethmalaniji has written to the Chairman, citing some personal reasons, some urgent matter.

SHRI SURESH PACHOURI: What about the State Minister?

THE VICE-CHAIRMAN (SHRI MD. SALIM): So, naturally, he has sought the leave and now...*(Interruptions)*...

SHRI SURESH PACHOURI: Who will reply, if the discussion is concluded?

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Jaitley is there, on behalf of the Minister...*(Interruption)*...

श्री नागेन्द्र नाथ ओझा (बिहार): सर, मुझे इसमें कोई ऐतराज़ नहीं होगा लेकिन सूची में मेरा नाम दूसरे नंबर पर है ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : यह मामला जहां समाप्त हो जाएगा, उसके बाद आपका नाम आ जाएगा । इसमें कोई दिक्कत नहीं है । अब श्री रामचन्द्रैया बोलेंगे । ...**(व्यवधान)**...देखिए, मैं बी.जे.पी. और कांग्रेस पार्टी, दोनों के सदस्यों से कह रहा हूं कि अगर आप वाल्युंटरिली अपने नाम विदड्रॉ करते हैं तो ठीक रहेगा क्योंकि इस पर ऑलरेडी काफी मैम्बर्स बोल चुके हैं । ...**(व्यवधान)**...

श्री एस.एस.अहलुवालिया (बिहार): सर, इसमें मेरा कहना यह है कि जब से यह सदन चला है और प्राइवेट मैम्बर्स बिल या प्राइवेट मैम्बर्स रिज़ॉल्यूशन की परंपरा चली है, तब से.....इसमें पार्टी का कोई रोल नहीं है । Then why did you ask the Party people to withdraw their names? There is no Government Business or no party identification. We have taken up Bills against the wishes of political parties, against the wishes of the Government, because we wanted that. We are concerned about those Bills and Resolutions; that is why we raised it in the past also. We should not break this convention and deprive the future generation...*(Interruption)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Ahluwalia, I had said that the time allotted to this Resolution was two hours and, already, two hours and twenty-eight minutes have been consumed. Time is not allotted on the basis of party. Members of different political parties have already expressed their views. This cannot continue for long. Since some more Members are wanting to speak, they can take part....*(Interruptions)*...

SHRI S.S. AHLUWALIA: No, no. respected Vice-Chairman, Sir,

time was not allotted. The time allotted to today's Private Members' Resolution is two hours. That is all right. But...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Particularly, for this Resolution. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: No, no...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please sit down. You have made your point, I understand....*(Interruptions)*...

SHRI S.S. AHLUWALIA: No, no Sir. There is no such rule...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): Please sit down. आप बैठिए.....आप बैठिए...आप बैठिए । मैंने आपको सुन लिया है, अब मुझे बोलने दीजिए You cannot go on for long. Please sit down. Take your seat. ...*(Interruptions)*...

SHRI S.S. AHLUWALIA: I will sit down. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please sit down.You have made your point....*(Interruptions)*...

SHRI S.S. AHLUWALIA: Please give me a ruling on that. Under what rule you are suspending like this? You cannot suspend like this....*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please take your seat.

SHRI S.S. AHLUWALIA: When you are giving a ruling, you must...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Nothing will go on record. Whatever Mr. Ahluwalia is saying, nothing will go on record. *(Interruptions)*

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN (SHRI MD. SALIM): Sorry, देखिए, मिस्टर अहलुवालिया को समझने में ज़रा दिक्कत हो गई है । मैंने तो शुरू में ही कहा कि इस प्राइवेट मैम्बर्स रिज़ॉल्यूशन के लिए दो घंटे का समय दिया गया था और इस पर पहले ही दो घंटा 28 मिनट बहस हो चुकी है । 10 दिसम्बर के फैसले के बाद अभी मैं हाऊस की

* Not recorded.

सेन्स लूंगा । अब मैं हाऊस की सेन्स लेता हूं कि क्या इस संकल्प पर जिन आठ-नौ सदस्यों के नाम हैं, वे इस पर आगे बोलना चाहते हैं ?

कुछ माननीय सदस्य : नहीं, नहीं ।

SHRI S.S. AHLUWALIA: * *...(Interruptions)....*

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please, please. sit down....*(Interruptions)*...

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please. take your seat. *(Interruptions)* मैं इसको रिज़ॉल्व करना चाह रहा था, मैंने रूलिंग भी दी थी । अगर आपको पसंद नहीं है तो इसका मतलब यह नहीं है कि ...**(व्यवधान)**...Please sit down.

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN(SHRI MD. SALIM): Please take your seat.

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please take your seat. मैं इसको रिज़ॉल्व करना चाह रहा था, मैंने रूलिंग भी दी थी। अगर आपको पसंद नहीं है तो इसका मतलब यह नहीं है कि... **(व्यवधान)**...

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN (SHRI MD. SALIM): Nothing is going on record. आप बैठिए। अहलुवालिया जी जो भी बोल रहे हैं वह रिकार्ड में नहीं जाएगा।

SHRI S. S. AHLUWALIA: *

श्री रामदास अग्रवाल (राजस्थान): उपसभाध्यक्ष महोदय, आपकी इजाजत से मैं दो शब्द कहना चाहता हूं। एक दफा यह विषय सामने आया था तो माननीय उससभाध्यक्ष महोदय ने हाउस से पूछा था, इस विषय की अहमियत के कारण इसको आगे बढ़ाया जाएया नहीं? सर्वसम्मति से सभी माननीय सांसदों ने कहा कि विषय गम्भीर

है इसको आगे के विषय में लिया जाए। उस समय कोई प्रायोरिटी की बात नहीं थी, आगे

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* Not recorded.

के सत्र में लिया जाए। इसी के अनुसार आपने आज की कार्य-सूची में इस विषय को रखा है। मैं नहीं जानता यह विषय चाहे दो घंटे, डेढ़ घंटे या एक घंटे चले, इसके बाद आप किसी दूसरे माननीय सदस्य का प्राइवेट मेम्बर बिल ले सकते हैं । इसमें बहस या सदन की इच्छा जानने की आवश्यकता नहीं है। ...(**व्यवधान**)... आज की विषय सूची में यह विषय है।

SHRI PRANAB MUKHERJEE: Sir, I would like to make a small submission for your consideration. I entirely agree with Shri Ramdas Agarwal that when this Resolution was being discussed in December, it was agreed that the time would be extended. At that point of time the consensus was that time should be extended. But thereafter a major development has taken place. A Constitution Review Committee has already been appointed. This was not the picture in the month of December. When the House agreed to extend the discussion on this particular aspect, at that point of time, the House was not aware as to when the Government was going to appoint a Constitution Review Committee. The main purpose of the Mover of the Resolution has already been achieved when this discussion was pending in the House. I do not blame the hon. Member and the Mover of the Resolution. But unfortunately it happened that when the House resumed in the Budget Session, this Resolution could not be taken up. A question was raised as to why it has come today. Sir, the main purpose of the Resolution has already been achieved. The Government has set up a Constitution Review Committee. I feel that no useful purpose would be served if we continue with this debate. Shri Venkaiah Naidu has already initiated the discussion on the Motion of Thanks on the President's Address. We are going to have a substantive discussion. Various hon. Members have given their names. So far as this particular Resolution is concerned, to my mind, the objective has already been achieved. The time has already lapsed. I think no useful purpose would be served if we continue with the discussion. So far as my party is concerned, we feel that there is no need for continuing the discussion further on this Resolution because the other hon. Members would be denied of an opportunity to speak on other Resolutions.

DR. ARUN KUMAR SARMA (Assam): Sir, I am not a very old Member of the House. Being Members of very small regional parties, we have to express our feelings on this particular subject. Sir, we will be thankful to you and to the hon. Members if they allow some of the Members to express their viewpoints. Some of the viewpoints can also be referred to

the Constitution Review Committee, if it is so desired. We are not having any access to the Constitution Review Committee.

THE VICE-CHAIRMAN (SHRI MD. SALIM): So far as your first point is concerned, that is all right. You should get an opportunity to make your point here. This Resolution is something else. This Resolution does not have anything to do with the Constitution Review Committee.

SHRI B.P. SINGHAL: Sir, with due respect to the hon. Member, Shri Pranab Mukherjee, I would like to say that precisely because there is a Constitution Review Committee, this House must discuss this Bill in as greater detail as is possible because that will provide the Commission the thought that is flowing in the House. ...*(Interruptions)*....

SHRI VAYALAR RAVI (Kerala): If you look at it, the Resolution is operative. It says, "That this House is of the opinion that a review of the Constitution of India has become necessary in the light of our experience during the last 50 years both at the State and Central level and recommends to the Government to take early action in this regard." That is why Shri Pranab Mukherjee has said that it is already taken. A Committee has been appointed. After the action has been taken, and a Committee has been appointed, the operative part of the Resolution becomes infructuous.

श्री एस.एस. अहलुवालिया : उपसभाध्यक्ष महोदय, मेरा सबमिशन इसलिए है कि यह परंपरा जो शुरू की गई है कि कई चीजें हम गवर्नमेंट बिजनेस में डिस्कस नहीं कर सकते और सदन के विभिन्न दलों के सदस्यों की जो अपनी भावना होती है कि ऐसे विधेयक लाए जाएं या ऐसे अमेंडमेंट किए जाएं वह इसके माध्यम से सदन के द्वारा और सदन के माध्यम से सरकार का ध्यान आकर्षित करना चाहते हैं । इसके पहले जो परंपरा आज तक रही है, मुझे याद है वीरेन शाह जी का एक बिल था वह कई सेशन तक चलता रहा और आज इस रेलेवेंस में सिर्फ भारत में ही नहीं सारे विश्व में यह चर्चा हो रही है कि भारत के संविधान में क्या कुछ परिवर्तन किया जा रहा है ? वह होना चाहिए, नहीं होना चाहिए ? कोई कमेटी बनी है ? उसे मांग रहे हैं नहीं मांग रहे हैं ? प्रणव दा ने कहा कि कांस्टीट्यूट किया गया था लेकिन प्रणव दा के ही कुछ लोग उसका विरोध कर रहे हैं और उसके लिए कोई कमेटी नहीं मांग रहे हैं । आज यही जरूरत है कि यह रेजोल्यूशन अगर इस सदन के माध्यम से पास हो जाता है तो हम सरकार के माध्यम से रिव्यू कमेटी के पास अपने विचार भेज सकेंगे । हर एक मेम्बर अपने विचार भेज सकेगा ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आहलूवालिया जी, आप पुराने मेम्बर हैं । आप कंटेंट में नहीं जा रहे हैं । इसके लिए चर्चा चलनी चाहिए या नहीं चलनी चाहिए, प्रश्न यह है ।

श्री एस.एस. अहलुवालिया : चर्चा चलनी चाहिए । इसके लिए हाउस में सेंस लेने की कोई जरूरत नहीं है क्योंकि हाउस का सेंस एक ही वक्त लिया जाता है जिस वक्त रेजोल्यूशन या प्राइवेट मेम्बर्स बिल इंट्रोड्यूस किया जाता है, उस वक्त इसका सेंस लिया जाता है कि इसको एक्सेप्ट किया जाए या नहीं किया जाए । जब एक बार एक्सेप्ट हो जाता है तो उस पर चर्चा चलती है । इसका विरोध जिसको करना है वे अपनी चर्चा के माध्यम से विरोध कर सकते हैं । और इसके पीछे सबसे बड़ी बात है उपसभाध्यक्ष महोदय, What is the sanctity of this business? बी.ए.सी. ने पास कर दिया, लिस्ट ऑफ बिजनेस में छप चुका और उसके बाद कहना कि नहीं, चर्चा नहीं होनी चाहिए और उसके लिए सेंस लेना ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : नहीं, नहीं आहलुवालिया जी आप जानते हैं यहां पर, चर्चा ज्यादा लंबित करें या अभी इसको टेक अप करें, यह बात हो रही है । गलतफहमी नहीं होनी चाहिए ।

श्री एस.एस.अहलुवालिया : टेक अप करिए उपसभाध्यक्ष महोदय, जब मंत्री जी जवाब देंगे तो देखेंगे इसको प्रैस करेंगे या नहीं ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आपने उठाया था ।

श्री सुरेश पचौरी : उपसभाध्यक्ष जी, संक्षेप में मैं आपका ध्यान राज्य सभा एट वर्क के प्रश्न 566 की ओर आकर्षित करना चाहता हूं । इसमें जो आखिरी पैरा है पेज 567 पर उसकी तरफ, अपने साथी जो किसी वजह से चले गए हैं, उन्हें बताना चाहता हूं कि : "On an occasion, a member moved a resolution on 7 March, 1969, regarding diplomatic recognition to German Democratic Republic. The resolution was discussed on 21 March 1969, also but remained inconclusive. The mover of the resolution moved a motion that the time for the debate on the resolution be extended. The motion was negatived by a division and the resolution lapsed at the end of the session."

श्री एस.एस. अहलुवालिया : क्या है ?

श्री सुरेश पचौरी : जो माननीय सदस्य ने कहा कि केवल इंट्रोडक्टरी स्टेज में

सेंस लिया जाता है, ऐसी बात नहीं है। एक बार पहले डिस्कशन 7 मार्च को हो गया था, उसके बाद 21 मार्च को भी हाउस का सेंस लिया गया। यह इस सदन की परंपरा रही है। इस परंपरा के परिपालन में मेरा आपसे आग्रह है कि आप हाउस का सेंस ले लें। उसके बाद आप इस पर अपने विचार व्यक्त करें और अपना निर्णय करें।

श्री एस.एस. अहलुवालिया : पिछले सेशन में मैं सदस्य नहीं था, पर बहस हो चुकी थी। बहस होकर एक्सटेंशन का टाइम डिक्लेयर किया गया था। सेंस के बाद हाउस में लिया गया, कंटीन्यू कराया गया और अब लिस्ट ऑफ बिजनेस में आ चुका है। That means, it is extended; it is already extended; it is automatically extended. It is listed in the Business. ..*(Interruptions)*...

श्री रामदास अग्रवाल : महोदय, मैं कानून का ज्ञाता तो नहीं हूं लेकिन माननीय पचौरी जी ने जो कहा, मैंने सुना कि उन्होंने कहा कि मूवर ने मूव किया कि टाइम एक्सटेंड किया जाए। लेकिन मैंने टाइम एक्सटेंड करने के लिए बिल्कुल प्रार्थना नहीं की। इस की सदन ने इच्छा जाहिर की कि इसे एक्सटेंड किया जाए और सदन ने ही इसको स्वीकार किया। आज भी सदन की कार्य सूची में यह है। मैंने मूव नहीं किया, मैंने प्रार्थना नहीं की कि इसको चालू रखा जाए। यह तो सदन की इच्छा के मुताबिक आज की विषय सूची में, आज की कार्य सूची में आया हुआ है। कार्य सूची में जो विषय आ चुका है उसको आप इस तरह से कानून कायदे दिखाकर इग्नोर नहीं कर सकते।

SHRI NARENDRA MOHAN (Uttar Pradesh): Sir, I have a point of order. The point that has been raised by the hon. Member from that side is misconceived because he is placing a wrong analogy here. Actually, the Resolution, which is before us, has already been approved for discussion by the BAC and now the House has to discuss it. He is neither seeking an extension nor any other favour. Once the Chairman has given the permission for discussion of an issue and it has been approved for discussion by the Business Advisory Committee, the House has to discuss it.

उपसभाध्यक्ष (श्री मोहम्मद सलीम): कुछ गलतफहमियां हो रही हैं। स्पष्टरूप से हमारे पास रूल्स हैं, प्रोसीजर है और कन्वेंशंस भी हैं। हमने पिछले सत्र में, हाउस ने पिछले सत्र में सिर्फ इतना हीं फैसला लिया था, इस विषय की महत्ता को देखकर फैसला लिया था कि इसे इस सत्र में लैप्स नहीं करना चाहिए और अगले सेशन तक यह कंटिन्यू रहे। मैंने मिनिट्स भी देखी हैं। इसका मतलब यह नहीं है कि इसको दो घटे, चार घंटे और दिए जाएं। समय हाउस का है और आज हाउस इस पर कोई निर्णय नहीं ले सकता

है। उस वक्त डिप्टी चेयरमैन ने कहा था, "It is 5.30 now". मैं कोट कर रहा हूं क्योंकि बहुत कनफ्यूज किया जा रहा है। "We had decided that we will be here today till 5.30". उस वक्त टाइम एक्सटेंड किया गया था, "The Discussion will continue in the next session". इतना ही हुआ। अभी आधे घंटे का समय इस पर चला गया कि इस पर कौन बोलेगा, कौन बोलना चाहता है बोलने के लिए सभी सदस्य बोल सकते हैं । लेकिन फैसला उस वक्त यही किया गया था कि इस संकल्प को इस सेशन में लैप्स न होने दिया जाए और इस सेशन तक इसे रहने दें। यह सेंस 10 दिसंबर को लिया था। लेकिन जैसा यहां पर उसे इंटरप्रेट किया जा रहा है यह उसको नेगेट करने की कोशिश कर रहे हैं कि केवल इन्ट्रोडक्टरी स्टेज पर या अडाप्शन स्टेज पर ही नेगेट किया जा सकता है, यह गलतफहमी है। अहलूवालिया जी आप पुराने सदस्य हैं आप यह जानते हैं। अब अगर मंत्री महोदय इसका जवाब देना चाहते हैं तो वह दे सकते हैं और इसको यहीं पर खत्म कर सकते हैं। यह भी हाउस की ही पावर है। लेकिन क्योंकि अभी एक दो नाम हैं तो वे अगर दो मिनट, पांच मिनट बोल लें तो यह हो सकता हैं । आधा घंटा तो सिर्फ इसमें बीत गया। लेकिन पूरा दिन इसके लिए हम देना नहीं चाहते, हाउस का भी यही सेंस है। ...**(व्यवधान)**...

श्री एस.एस. अहलुवालिया: ढाई बजे से पाँच बजे का समय तो मान्यवर इसके लिए है।...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : प्लीज, बैठिए, मैं बोल रहा हूं । इसका मतलब यह नहीं है कि ढाई बजे से पांच बजे तक का समय इस संकल्प के लिए है । इसका मतलब है प्राइवेट मेंबर रेजोल्यूशन ।

श्री एस.एस. अहलुवालिया : आप नई परम्पराएँ शुरू कर रहे हैं । यह परम्परा आने वाली पीढ़ियों के लिए घातक होगी । यह परम्परा गलत है । ...**(व्यवधान)**...

श्री रामदास अग्रवाल यह परम्परा गलत है ।

THE VICE-CHAIRMAN (SHRI MD. SALIM): I have asked Mr. C. Ramachandraiah to speak. The sense of the House is that we will not continue with further discussion on this. The Minister will intervene and the mover will reply.

SHRI C. RAMACHANDRAIAH (Andhra Pradesh): Sir, I rise to support this resolution. The entire nation knows that after four-and-a-half

years of exercise, after brainstorming sessions of intellectuals of the nation, we could formulate a document, the Constitution of India, to guide us, to govern ourselves.

Subsequently, the Constitution has been amended umpteen number of times because some provisions of the Constitution had posed some hurdles, because the framers of the Constitution might not have anticipated certain developments which the country had faced after Independence. So, whenever such hurdles emerged, we used to amend the Constitution, as per the wisdom of the House.

Sir, I could not understand one thing. When the country is faced with so many problems, it is rather surprising that this particular item has been given the priority. Sir, as a Member of the TDP, I support the constitution of a commission to review the Constitution. The Government came to power only six months ago and there are a number of items on the agenda, which they have given to the nation when they went to the polls. I should say that this is not the priority which they should take up now. People are suffering because of lack of drinking water and other basic amenities in the villages/rural areas. The Government should have tried to tackle those problems first.

This has created a very big controversy, especially among the weaker sections of the nation. Recently, we witnessed a very big rally, which the Prime Minister was compelled to go and address. What are the objectives of this commission? They have not made them clear. One functionary of the RSS says one thing, and another functionary of the BJP says another thing. Their utterances are creating a lot of confusion. There is no clarity. Sir, the situation the country is facing is a very dangerous one. They have to make it clear as to what the objectives are and how they are going to achieve them, whether the existing provisions of the Constitution are not capable of achieving those objectives and whether the entire review is warranted.

Sir, to what extent the proposed review of the Constitution is going to improve the standard of living of the people? Moreover, no terms of reference have been made. Unfortunately, the polity in India is being disrespected and it has not been taken into confidence. The best judges of the performance of the Constitution are the elected representatives, the people's representatives; they have been totally ignored. They should have been taken into confidence to fix the terms of reference. It is not somebody sitting in the

High Court or the Supreme Court who is going to judge. With due respect to the judiciary, I am saying this. They are not the people to judge whether this Constitution has been able to deliver the goods or not. It is the elected representatives of the country. The people have reposed tremendous confidence in us and we are the best judges. I should say that the Government has committed an aberration by ignoring the elected representatives. Sir, the Government should come out with its motivations clearly. Sir, the BJP has issued a document justifying the constitution of the Committee whereas the Government has not done so. The Government should have come out with a document as to what factors have restrained it. I think there is a clear distinction between the party and the Government. I advise the Government not to erase the democratic demarcation. Kindly do not try to erase it. There is a clear distinction between the party and the Government. You may be having good intentions but your intentions should be made clear to the people. They should not create any misapprehension among the people which has already been created. It is our duty to clear it. Otherwise, it is a very dangerous thing which is going to come. Sir, I am constrained to say, whether it is rational or irrational, I cannot judge - that the proposed review is aimed at and detrimental to the interests of the *Dalits* of this country. And what I am telling you is widely believed. That apprehension has to be cleared and allayed by the Government. You should have those bonafides; you should have those credentials to allay the misapprehensions. Otherwise, why should crores and crores of people have such apprehensions in their minds? At least, if you feel at all that it is propaganda, you should come out with your propaganda machinery to allay those fears. Sir, there are certain areas where the Constitution is required to be amended because various political parties have got their own perceptions with regard to the appointment of judges. The elected Parliament or the Government does not have the power to appoint the judges. It is now left to the discretion of the judiciary. Most of the parties want that those powers should be restored back to the Parliament or the Government. So, this is where the Constitution needs to be amended. Sir, the issue of reservation for th SCs and STs and to the total disliking of the other side, the issue where there are some parties who subscribe to the concept that the people who have not taken birth in this country should be elevated to the important positions, are also areas where the Constitution needs to be amended. The Centre-State relations, devolution of powers, financial and executive, bringing about a more federal structure, are the areas

where the Constitution needs to be amended. If the bonafides of the Government are perfect, it is okay. But, I advise the Government not to try to create a document after the review and keep it in its arsenal as a weapon so that in future it may be used against the people of this country. It is going to be a dangerous thing. Sir, one aspect has to be taken into consideration. The President of India said whether the Constitution has failed us or we have failed the Constitution. Sir, even this review has to take this aspect into consideration. Sir, I am concluding. It should not end up like a workman blaming the tool. After all the Constitution is a tool in our hands, a guiding force which we have created to govern ourselves. The Supreme Court has also held that the Constitution can be amended. There is absolutely no doubt about it. There is no dispute that it cannot be amended. It can be amended to govern ourselves in a perfect way so that governance can be given to the people except some basic features of the Constitution which are yet to be codified. They have been codified neither by court nor by any other organisation. As far as rule of law, holding elections, in a free and fair manner etc. are concerned, they constitute the basic structure of the Constitution. Even the Fundamental Rights do not constitute the basic structure of the Constitution. So, these are all the things which the Committee will take care of. Though we support the Constitution of this Committee which has been appointed to review the Constitution, the Government's paramount duty is to clear the misapprehensions that have been entertained by certain sections of the society. That is the need of the hour. Thank you.

SHRI VAYALAR RAVI: Sir, you said that the Minister would reply...*(Interruptions)*

SHRI NARENDRA MOHAN: Mr. Vice-Chairman, Sir,...*(Interruptions)*...No, no...*(Interruptions)*...

SHRI PRANAB MUKHERJEE: You will speak last; after the Minister...*(Interruptions)*...

SHRI VAYALAR RAVI: You will speak after the Minister gives his reply...*(Interruptions)*...A ruling has already been given by the Chair.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप बैठिए । ...(व्यवधान) आप बैठिए मैं हूं । ...(व्यवधान)...Mr. Minister...*(Interruptions)*...

SHRI NARENDRA MOHAN: Sir, I am on a point of order...*(Interruptions)*...My name has been cleared by the Chairman...*(Interruptions)*...I am on a point of order...*(Interruptions)*...It is there on the list...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप बैठिए। ...**(व्यवधान)**... आप धैर्य रखिए।...**(व्यवधान)**...You have heard the points...*(Interruptions)*...प्लीज़, सुनने भी दीजिए । सरकार की बात भी सुनने दीजिए। आप थोड़ा बैठिए।...**(व्यवधान)**...

SHRI LALITBHAI MEHTA (Gujarat): No, Sir. Not yet. I have got absolutely some new points...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Oh! Please. Please, sit down...*(Interruptions)*...Please sit down...*(Interruptions)*...Now, the controversy is this. Whether to continue the discussion. Since we have decided last time that this will continue to this Session, now, it is continuing.

There are 13 or 14 names with me and one Member has already spoken. So, it will continue. So, Mr. Minister do you have anything to offer?...*(Interruptions)*... जेठमलानी जी नहीं हैं, उनकी जगह जेटली जी हैं। ...**(व्यवधान)**

श्री नरेन्द्र मोहन : सर, मेरा प्वायंट ऑफ् ऑर्डर सुन लें । ...**(व्यवधान)**... I request the Minister to kindly yield for a minute to hear my point of order...*(Interruptions)*...

SHRI LALITBHAI MEHTA: Sir, we want your ruling...*(Interruptions)*...

This House has been taken for ransom for seven or eight years...*(Interruptions)*...

THE VICE-CHAIRMAN(SHRI MD. SALIM) : Please, I have identified him..*(Interruptions)*...

SHRI NARENDRA MOHAN: Sir, I am on a point of order...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM) : The Minister is on his legs...*(Interruptions)*...

SHRI NARENDRA MOHAN: Let me allow to raise my point of order...*(Interruptions)*...

SHRI B.P. SINGHAL: We want your ruling...*(Interruptions)*...

SHRI NARENDRA MOHAN: Sir, you can dismiss my point of order...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : जो भी निर्णय लेगा वह हाउस ही लेगा, मैं नहीं लूंगा। ...**(व्यवधान)**...

श्री एस० एस० अहलुवालिया : सर, आप एक नई परंपरा शुरू कर रहे हैं । प्राइवेट मैंबर्स के अधिकारों का यह पूरी तरह से हनन हो रहा है ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): मंत्री जी के अधिकार का हनन मत कीजिए।

श्री एस० एस० अहलुवालिया : आपने तो आज तक इस सदन में प्राइवेट मैंबर्स बिल के माध्यम से और ...**(व्यवधान)**... मदद ही की है। अब आप चेयर पर बैठ कर एक नई परंपरा पैदा कर रहे हैं। यह हमारे अधिकारों का हनन है ...**(व्यवधान)**... और पूरी तरह से हनन है। कानून गलत पढ़ रहे हैं। ...**(व्यवधान)**...

श्री बालकवि बैरागी (मध्य प्रदेश): कोई परंपरा का सवाल नहीं है । ...**(व्यवधान)**...

श्री एस० एस० अहलुवालिया : यह अधिकार में नहीं है । ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप मंत्री जी को सुनने देंगे, उनके मत को सुनने देंगे? ...**(व्यवधान)**...

SHRI NARENDRA MOHAN: First you hear my point of order...*(Interruptions)*...Then he can reply...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप क्या चाह रहे हैं । आप बैठिए, मेरी बात सुनिए । पहले बैठिए आप ।

श्री ललित भाई मेहता : हमारा नाम लिखा है, इसका मतलब क्या है । हमारा नाम वहां पर लिखा है ।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): ठीक है, नाम लिखा है, लेकिन पहले आप बैठिए। ...**(व्यवधान)**... अब नाम लिखा है तो इसका मतलब यह नहीं कि आप खड़े हो जायेंगे। आप बैठिए । ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: This is totally going against the rules...*(Interruptions)*...

SHRI NARENDRA MOHAN: Sir, I am on a point of order...*(Interruptions)*...You cannot stop it...*(Interruptions)*...

SHRI VAYALAR RAVI: Under what rule?...*(Interruptions)*...You quote the rule...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): प्लीज़, आज बैठिए।..**(व्यवधान)**... I have heard your point...*(Interruptions)*...Please sit down...*(Interruptions)*...No ...*(Interrupti.ns)*...Please, take your seat...*(Interruptions)*...I will not allow...*(Interruptions)*...Nothing will go on record like this...*(Interruptions)*...

श्री ललित भाई मेहता :*

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : मंत्री जी भी तो बैठ गए हैं, वह नहीं बोले। उनकी भी बात सुन लीजिए । प्लीज़ आप बैठिए । Please, take your seat...*(Interruptions)*...I will dispose it of...*(Interruptions)*...

श्री एस.एस. अहलुवालिया: अधिकारों का हनन नहीं होना चाहिए । ...**(व्यवधान)**...

SHRI B.P. SINGHAL: Sir, I want your ruling...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Just one minute...*(Interruptions)*...बैठिए, सरोज जी, आप बैठिए । ...**(व्यवधान)**... आप इस तरह से बाधा नहीं डाल सकते । आप बैठिए । ...**(व्यवधान)**...

श्री ललित भाई मेहता : जिनके नाम लिस्ट में हैं उन्हें आप बोलने दीजिए। ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : इस तरह से आप नहीं बुलवा सकते हैं। इस सदन का कुछ तरीका भी तो है । आप लोग वरिष्ठ सदस्य हैं । ...**(व्यवधान)**... श्री रामचन्द्रैया जी को बोलने देने का तो मतलब यही है कि यह रिजोल्यूशन आज की बिजनेस लिस्ट में है और पिछले सत्र में यह निर्णय लिया गया था कि यह स्पिल ओवर करेगा । इसलिए यह गिलेटिन हुआ और आज चर्चा के लिए लिया गया । अब आप इस तरह के शब्द मत बोलिए कि मेंबर्स के अधिकार का हनन हो रहा है । यहां अगर सौ लोगों का नाम होगा तो किसी भी मामले पर चाहे वह सरकारी हो या प्रायवेट मेंबर्स का मामला हो, सभी लोगों को बोलने का अधिकार नहीं रखा गया है ।

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* Not recorded.

श्री एस.एस. अहलुवालिया : सर, बताइए यह कब हुआ ?

THE VICE-CHAIRMAN (SHRI MD. SALIM):: Please take your seat. *(Interruptions)* Please take your seat. *(Interruptions)*

श्री एस.एस. अहलुवालिया : प्रायवेट मेंबर्स के मामले में कभी ऐसा नहीं हुआ ।

THE VICE-CHAIRMAN (SHRI MD. SALIM):: Mr. Narendra Mohan, Mr. Singhal, please take your seat.

SHRI B.P. SINGHAL: I am alreadY sitting, Sir.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : अच्छी बात है । Now, he is replying. *(Interruptions)* आप सुनने के लिए तैयार नहीं हैं। *(Interruptions)* Nothing will go on record. Mr. Narender Mohan, Mr. Singhal, Mr. Mehta, please take your seat. *(Interruptions)* मिस्टर सिंहल, आप सुनने के लिए क्यों तैयार नहीं है? प्रायवेट मेंबर्स के मामले में ऐसा कभी नहीं हुआ । ...**(व्यवधान)**... आप प्रतियोगिता में क्यों आ रहे हैं?...**(व्यवधान)**... मैं ने मंत्री जी का नाम लिया है, वह अपनी तरफ से कुछ कहना चाहेंगे । ...**(व्यवधान)**... आप उन्हें सुनेंगे या नहीं सुनेंगे ? आप इस तरह से बाधा क्यों डाल रहे हैं? मंत्री जी बोलिए ... **(व्यवधान)**... Nothing will go on record. जिन को मैंने आइडेंटीफाय नहीं किया है, उन का कहा रिकॉर्ड में नहीं जाएगा। श्री रामदास अग्रवाल।

श्री रामदास अग्रवाल : महोदय, मुझे याद है ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : रिकॉर्ड नहीं होगा । I am allowing only Mr. Ramdas Agarwal. Except him, nothing else will go on record. *(Interruptions)* आप अपनी जगह पर बैठेंगे ?

श्री रामदास अग्रवाल : सर, मैं आप को स्मरण दिलाना चाहूंगा कि एक रिजॉल्यूशन मैंने पहले भी चुनाव सुधार के बारे में रखा था । उस पर भी एक दिन में बहस पूरी नहीं हुई थी, दो बार में पूरी हुई थी । वह इसी सदन में हुई थी और सदन में बड़े स्नेह से और सभी की स्वीकृति से इस बात को स्वीकार किया गया था । महोदय, पिछली बार भी मैंने निवेदन नहीं किया था, माननीय सदस्यों का आग्रह था कि हमारे नाम रह गए हैं और समय कम है, इसलिए इस को आगे बढ़ाया जाय । उन्होंने कहा कि चूंकि यह बड़ा महत्वपूर्ण विषय है जिस पर सारे देश में चर्चा हो रही है और इस चर्चा में सांसदों को भी भाग लेना चाहिए । इसलिए सब ने इसको स्वीकार किया था ...**(व्यवधान)**... उसके

साथ-साथ मैं यह भी कहना चाहता हूं कि इस सत्र के बाद बहुत सारे नए सांसद इस सदन में आए हैं । उनको कुछ कहने का मौका मिलना चाहिए । आप इस तरह से नहीं चल सकते ...(**व्यवधान**)... बहुत सारे नये सांसद आए हैं । बहुत लोग आए हैं। ऐसे पुराने सांसद भी मौजूद हैं जो इस विषय पर बोलना चाहते हैं ...(**व्यवधान**)...

SHRI RAVI SHANKAR PRASAD (Bihar) : Thank you, Sir, for giving me an opportunity. I am a new Member. What happened on 10th December, we are not going into that. But I only wish to add that the issue in question has got more importance and critical relevance. I only wish to add, with profound respect to this House and to you, Mr. Vice-Chairman, that we want to share our views; and I think, in the context of the importance of the issue involved, please allow all of us to make our submission. We will be very brief. We have already lost more than an hour on this particular matter. It is my very respectful submission.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : You have made a very sensible point. This is what we are trying to sort out. I think the House is divided on this issue because some Members want to speak on this subject because of the importance of the subject. If other Members also want to speak, let us take the sense of the House. ...*(Interruptions)*...बैठिए, बैठिए ...(**व्यवधान**)... यह हमारे सदन की परंपरा रही है । मैं निर्णय नहीं लेता हूं । चेयर निर्णय नहीं लेती है । सदन यह फैसला लेगा ...(**व्यवधान**)... आप अगर चाहते हैं कि सदन फैसला न ले तो मैं तो सदन को प्रोटेक्ट करूंगा ...(**व्यवधान**)... सदन को ही फैसला लेना पड़ेगा, इसकी महत्ता को समझकर कि इस संकल्प पर आगे बहस चलेगी या नहीं चलेगी । इस तरह से आप कभी नहीं कर सकते ...(**व्यवधान**)... सदन को ही फैसला लेना पड़ेगा ...(व्यवधान)... करीब ४५ मिनट हमने इस पर जाया किए है अब सदन को फैसला लेना पड़ेगा इस तरह से नहीं चल सकता.... यह विषय बहुत ही महत्वपूर्ण है और आपने इस पर संकल्प प्रस्तुत किया है लेकिन ...(**व्यवधान**)... कुछ नहीं हो सकता इस तरह से ...(**व्यवधान**)... बैठिए, बैठिए ...(**व्यवधान**)...

श्री नीलोत्पल बसु (पश्चिमी बंगाल) : हर 2 साल में नए सदस्य आते हैं । आप चलाते रहिए ...(**व्यवधान**)...

SHRI RAJU PARMAR (Gujarat):The House is supreme. ...*(Interruptions)*...

श्री सुरेश पचौरी : महोदय, यह सदन नियमों और निर्देशनों पर चला करता है।

चेयरमैन साहब का यह निर्देशन था कि प्राइवेट मेंबर्स रेज़ोल्यूशन पर कोई समय सीमा निर्धारित की जानी चाहिए और पार्लियामेंटरी डेमोक्रेसी में ...(**व्यवधान**)...

THE VICE-CHAIRMAN (SHRI MD. SALIM) : The House stands adjourned for five minutes.

The House then adjourned at twenty eight minutes past three of the clock.

The House met at thirty-five minutes past three of the clock, THE VICE-CHAIRMAN (SHRI MD. SALIM) , in the Chair.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Shri Ka. Ra. Subbian.

SHRI PRANAB MUKHERJEE: Sir, I draw your attention to Rule 244. It is a closure Motion, under Rule 244. I want to move 'that the question be now put to vote.'

SHRI NARENDRA MOHAN: Is it a motion in regard to Private Members business?

SHRI PRANAB MUKHERJEE: Yes, it is for every motion.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Are you referring to Rule 244(1)?

SHRI PRANAB MUKHERJEE: Yes, Sir. I would also like to show the precedent. It is at page 725 of 'Rajya Sabha at work'. It is just above 'Limitation of Debate. "A Private Member's Resolution regarding enlistment of public cooperation in the Second Five-Year Plan was being discussed. At five minutes to 5.00 p.m., a Member moved that the question be now put." The motion was adopted. The mover gave a reply. The resolution was, thereafter, withdrawn by the leave of the House. That is a different matter.

श्री रामदास अग्रवाल : सर, इस बात पर अभी आपने पांच मिनट के लिए सदन स्थगित किया था । हम अपेक्षा कर रहे थे कि आप अपनी तरफ से हमें क्या आदेश देंगे ? आपका आदेश क्या है ? ...(**व्यवधान**)...

श्री सुरेश पचौरी : आदेश रूल के मुताबिक होता है।

श्री रामदास अग्रवाल : इसके अलावा यह मूव करने की कोई आवश्यकता नहीं है। ...(**व्यवधान**)... आपका आदेश क्या है, पहले वह बताइए? ...(**व्यवधान**)...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : उन्होंने प्वाइंट ऑफ ऑर्डर उठाया है ।

श्री रामदास अग्रवाल : आपका आदेश क्या है ? उनके मूव करने से पहले ...**(व्यवधान)**... हम चेयर से रूलिंग चाहते हैं । ...**(व्यवधान)**... यह जो बहस हुई और आपने सदन स्थगित किया । ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : पता नहीं सदस्यों को कभी-कभी क्या हो जाता है । प्राइवेट मैंबर्स को सुनने के लिए तैयार नहीं होते। ..**(व्यवधान)**...

श्री रामदास अग्रवाल : आपने विचार-विनिमय किया। आपका निर्णय क्या है, वह आप हमको बताइए, उसके बाद आप कोई चीज़ मूव करिए। ...**(व्यवधान)**... पहले उनको बोलने दीजिए । सर, आपकी रूलिंग क्या है, वह हमें बताइए। ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप बैठिए। रामदास अग्रवाल जी बोल रहे हैं। ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA: Sir, just now the Chief Whip of the Congress party has referred to Rule 244(1). I would like to read it out to show what does it say. "At any time after a motion has been made, any Member may move, that the question be now put." And unless it appears to the Chairman that the motion is an abuse of these rules or an infringement of the right of a reasonable debate, the Chairman shall then put the motion: That the question be now put." My humble submission is, do you think it is such a situation? ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please cooperate, to have a reasonable debate.

THE MINISTER OF STATE IN THE MINISTRY OF PLANNING, MINISTER OF STATE IN THE MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION AND MINISTER OF STATE IN THE DEPARTMENT OF ADMINISTRATIVE REFORMS AND PUBLIC GRIEVANCES OF THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI ARUN SHOURIE): Sir, I would like to make two points for your consideration. These are in support of what Mr. Ahluwalia was saying.

My first point is, as Mr. Narendra Mohan has pointed out, the names of certain Members have been included for speaking, with the Chairman's

consent or with the consent of whatever high authority like yourself, who decides over these matters. Those names should be removed because of some new force of Members in the House. It will certainly be trampling the voice of smaller parties or individual members in the future.

My second point is, as Mr. Sarma has pointed out, many of us come from parties that are numerically small. We are from regions. So, we are numerically small. Tomorrow if a Member from the National Conference wants to speak, he will be bulldozed, because two parties cooperate and one of the parties has a two-thirds majority. Then you will be trampling upon those rights. Therefore, if names have been included by some regular procedure, please allow them to speak.

THE VICE-CHAIRMAN (SHRI MD. SALIM): That is a very rational suggestion. That is what I am trying to impress upon the Members that instead of losing time, let us...

SHRI ARUN SHOURIE: There is one more constructive suggestion. If the names have to be withdrawn, they can only be withdrawn with the consent of the Members whose name had been included. It should not be done at the instance of other parties saying...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Let me dispose it of, please.प्राइवेट मैंबर्स का संकल्प जब प्रस्तुत किया गया था तो उसके ऊपर हम चाह रहे थे कि एक अच्छी बहस हो । पिछले दस दिसम्बर को यह बहस हुई । उसमें काफी नाम थे इसलिए उस समय जो पीठासीन उपसभाध्यक्ष थे, उन्होंने यह निर्णय लिया - प्रणव मुखर्जी जी ने भी यह बात कही कि इसको हम स्पिल ओवर करना चाहते हैं । पहले ढाई घंटे का समय पूरा होना चाहिए था इसलिए आधा घंटा सदन की कार्यवाही को बढ़ाया गया और हम साढ़े पांच बजे तक चर्चा के लिए बैठे थे । इसलिए यह संदेश जाना गलत होगा कि हम चर्चा नहीं चाहते थे । फिर प्रणब जी ने मशवरा दिया था और उसके मुताबिक पीठासीन उपसभाध्यक्ष ने कहा था कि इसको अगले सेशन में स्पिल ओवर कर दिया जाए तो इसके बारे में कोई गलतफहमी नहीं रहनी चाहिए । अगर इसे अगले सेशन में लेने का निर्णय नहीं लिया जाता तो वह संकल्प वहीं खत्म हो जाता। वह आगे चले, इसीलिए ऐसा निर्णय किया गया था लेकिन इसका मतलब यह नहीं था कि जितने लोगों के नाम हैं, उन सबको बोलने दिया जाएगा । फिर उसके बाद जो पीठासीन उपसभाध्यक्ष हैं या माननीय सभापति हैं, वे निर्णय लेते हैं - इस बात को ध्यान में रखना पड़ेगा क्योंकि हर प्राइवेट मैम्बर बिल पर रूल्स के मुताबिक हमने यह निर्णय लिया है और सब मैम्बर्स को मालूम है

कि आम तौर पर उस पर चर्चा के लिए दो घंटे का समय दिया जाता है । उसमें से आधा घंटा तो मूवर बोलते हैं, फिर मंत्री जी रिप्लाई देते हैं और इस प्रकार बीस-बाईस मैम्बर बोलते हैं लेकिन सभी कोऑपरेट करते हैं । कोई नाम विदड्रॉ कर लेते हैं, कोई दो मिनट बोलते हैं, कोई पंद्रह मिनट बोलते हैं लेकिन आज शुरू से ही, मैं सीधी बात बोलना चाह रहा हूं और यह रिकॉर्ड में जानी चाहिए कि इस मामले को लेकर आज शुरू से ही जिस तरह हंगामे की सूरत पैदा की गई, यह अनवांटेड है । इसकी कोई ज़रूरत नहीं थी और अभी भी नहीं है । मैंने मिस्टर रामचन्द्रैया का नाम लिया । पचौरी जी ने एक प्वाइंट ऑफ ऑर्डर उठाया था । मैंने कहा कि हां, यह ढाई घंटे नहीं चलेगा क्योंकि और भी संकल्प हैं। कोई सदस्य अगर यह समझता है कि एक ही संकल्प महत्वपूर्ण है और बाकी लोगों के संकल्प महत्वपूर्ण नहीं हैं, तो ऐसा नहीं है । इस मामले में अरुण शर्मा जी ने भी बात कही। हमने कहा ठीक है, जिन लोगों के व्यूज़ नहीं आए हैं और इस मामले में जिनके व्यूज़ आने चाहिए, वे कम समय में अपनी बात कह दें । लेकिन जिस तरह से यह कहा जा रहा है कि सबको बोलने दिया जाए क्योंकि नए सदस्य भी आए हैं तो अभी हमारे सदन में एक तिहाई नए सदस्य आए हैं और सबका बोलना सभंव नहीं है । आप unending discussion नहीं कर सकते, नहीं तो यह फिर अगले सेशन के लिए स्पिल ओवर हो जाएगा । इसलिए मैंने का.रा.सुब्बयन् जी का नाम बुलाया । अब वे बोलना चाहते हैं या नहीं, मुझे पता नहीं । मैंने कई बार उनका नाम बुलाया । अभी जो प्वाइंट ऑफ ऑर्डर प्रणब मुखर्जी साहब ने उठाया, वह यह है कि unless there is a Sub-clause 244 (1).मैं यह समझता हूं कि इस तरह से एबरप्टली अगर हम ...(**व्यवधान**)...

SHRI PRANAB MUKHERJEE: I will go by your judgement. I will go by your observation. Surely, I would not like to improve my will on you. My respectful submission to you is that, we have already discussed this subject for 2 1/2 hours. Already the operative part of the Resolution has fructified. When we took the decision last December to extend the time for a discusssion on this Resolution, at that point of time, the material information to set up a Commission by the Government was not available. Now, that also has been achieved. Taking these material facts into consideration, I request you to take a decision. I will go by your decision.

Another point I would most respectfully submit for the consideration of the hon. member is, I am for a discussion. you bring it under Rule 176; we will find some time. But there is a differentce between a Private Members' Resolution and a discussion under Rule 176. If we extend the debate on a Private Members' Resolution, then, the other Member's Resolution gets

affected. But so far as Rule 176 is concerned, we give the same time, 2 1/2 hours. You will get the time which you want to have. If a motion is moved again under Rule 176, then we have no problem for a full-fledged discussion. If we conclude the debate today, then, another Member's Resolution approved through ballot will get a chance. My intention is not to obstruct the debate or obstruct other members. The main purpose of the Mover of the Resolution has been achieved because the Commission has been set up. We had a reasonable discussion 2 1/2 hours; and another Member has also spoken today. If we conclude the debate, then the next Member will get a chance to move his or her Resolution. This very subject, we can discuss under another rule. From this side, I can give you full assurance that we will co-operate. Now, the matter is left to you.

SHRI NARENDRA MOHAN: On the same Rule 244 (1), I am on a point of order, I think, Mr. Pranab Mukherjee, should have mentioned here, in what way there is an abuse of the rules. Are we abusing those rules by raising this point? In what way? He said, "We had a reasonable discussion." The debate which we demanding is.....

उपसभाध्यक्ष (श्री मोहम्मद सलीम): यह चेयरमैन के कहने की बात है....यह चेयरमैन के कहने की बात है...**(व्यवधान)**... प्लीज, आप बैठ जाइए। ...**(व्यवधान)**...इस समय वे बोले हैं । मैंने यह कहा है कि हम यह नहीं चाहते कि जो मूवर हैं उनके राइट इन्फ्रिन्ज हो। सात सदस्य बोले हैं। सरकार के पक्ष की बात भी आनी चाहिए। अभी दो या तीन सदस्य और बोलने बाकी हैं। अगर आप सब बोलना चाहते हैं तो ऐसा ही होगा। इसके बाद मंत्री जी की बात भी जवाब में आ जाए...**(व्यवधान)**... देखिए, आपको को-ऑपरेट करना पड़ेगा। यदि आप हर कदम पर बाधा डालते रहेंगे तो बाकी के तीन सदस्य भी नहीं बोल पाएंगे। मिस्टर सुब्बिन।...**(व्यवधान)**...

+श्री शरीफ-उद्-दीन शरीक (जम्मू और कश्मीर): जो सारे रिजोलूशन की रूह है, इनके कहने का मुराद है कि हालात के बदलते हुए कांस्टीट्यूशन पर नजरेशानी कीजिए, इसे रिव्यू किया जाए। गवर्नमेंट को करना चाहिए और गवर्नमेंट ने वह कर दिया। अब इस पर बहस करने की गुंजाइश कहाँ है? इनका जो कहना था वह हो गया है। अब हाउस का और मैम्बर्स का वक्त क्यों जाया किया जाए, मुझे समझ में नहीं आता है? इन्होंने जो मांगा था वह तो हो गया है।...**(व्यवधान)**...

+Transliteration of the speech in Persian script is available in Hindi version of the debates.

उपसभाध्यक्ष (श्री मोहम्मद सलीम): ठीक है, यही समझकर सदस्य को-ऑपरेट करें। अगर आप को-ऑपरेट करेंगे तभी आपको समय मिलेगा वरना नहीं मिलेगा। श्री सुब्बिन जी।...**(व्यवधान)**...

श्रीमती सरोज दुबे (बिहार) : सर, मैं जानना चाहती हूँ कि हम लोगों को कब समय मिलेगा?...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): दो-तीन सदस्यों के बोलने के बाद आपको समय मिलेगा। यदि आप समय बर्बाद करेंगे तो आपको टाइम नहीं मिलेगा।...**(व्यवधान)**...

श्रीमती सरोज दुबे: हमारे गरीब झुग्गी-झौपड़ियों के लोगों का मामला है।...**(व्यवधान)**...इस सदन में गरीबों की बात सुनने वाला कोई नहीं है...**(व्यवधान)**...

श्री सुरेश पचौरी: सर, आप कह रहे थे कि इन स्पीकर्स के बाद आप हाउस का कनसेंसस लेंगे।...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): पहले दो-तीन सदस्य जो रहते हैं वे बोल लें इसके बाद बाकी लोगों को ...**(व्यवधान)**...

श्री सुरेश पचौरी: सर, आपने कहा था कि पूर्व वक्ता जब बोलेंगें तब हम हाउस का मत लेंगे। अब इन वक्ताओं ने अपना भाषण समाप्त कर दिया है...**(व्यवधान)**...

श्रीमती सरोज दुबे: आप चाहते हैं कि यहाँ पर झुग्गी-झोपड़ी वालों की बात न उठे...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): वह तो हो गया।

श्री नीलोत्पल बसु: सर, ये जो उल्टी-सीधी बातें हुई हैं इसने लोकतंत्र का गला घोंट दिया गया है, सदन व अधिकारों का हनन हुआ है। यह हुआ है, वह हुआ है, क्या हुआ है यह, लोग समझ नहीं पा रहे हैं।...**(व्यवधान)**...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Mr. Subbian. Please be brief.

SHRI KA. RA. SUBBIAN (TAMIL NADU): Mr. Vice-Chairman, Sir, I thank you very much for giving me this opportunity to express my views and our Party's views on the Resolutions moved by the hon. Members ...*(Interruptions)*....

श्री ललितभाई मेहता: महोदय...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप दूसरों का राइट मत छीनिए, प्लीज।...**(व्यवधान)**... आप बैठिए। हम चर्चा के लिए तैयार हैं। जब आप चर्चा में भाग ले रहे हैं तो फिर क्यों बाधा डाल रहे हैं?

श्रीमती सरोज दुबे: सर, कोई समय सीमा तय कर दीजिए। ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): पहले सुब्बिन जी बोलेंगे। इसके बाद अरुण जी बोलेंगे तब मैं हाउस का कनसेंसस लूंगा।

SHRI NILOTPAL BASU: Sir, I would appeal to the Leader of the House. If this continues, we will also.....*(Interruptions)*....

उपसभाध्यक्ष (श्री मोहम्मद सलीम): चर्चा में भाग ले रहे हैं लेकिन फिर आप बोलने नहीं दे रहे हैं।

श्री ललितभाई मेहता: सर, मेरा नाम पहले ही दर्ज किया हुआ है। ...**(व्यवधान)**...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please sit down. Let him speak. ...*(Interruptions)*.... इस तरह से हाउस का समय बर्बाद होगा।

श्री ललितभाई मेहता: सर, मेरा नाम पहले दर्ज किया हुआ है।...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप बैठिए, प्लीज़ एक राउण्ड होता है जिसके हिसाब से नाम आता है। उसे सामने रखकर बुलाएँगे। इस तरह से नहीं होगा प्लीज...**(व्यवधान)**...

SHRI KA. RA. SUBBIAN : Thank you, Sir. I offer my countless and innumerable thanks to my great leader, Dr. Kalaignar, the hon. Chief Minister of Tamil Nadu, who has elevated my status by nominating me to this august House. I also pay my tributes to our great leader, Anna, who adorned this august House in 1962 and delivered spellbound and historical speeches in this House. Sir, I may be permitted to say a few words.

As far as the constitution of the Review Committee is concerned, we wholeheartedly welcome the decision to form the Constitution Review Committee for reviewing the Constitution because our Party is a partner in the NDA. As early as in 1974, a Resolution was passed in the Tamil Nadu Legislative Assembly and a Commission headed by Justice Rajaamannar was constituted to look into the aspect of giving more powers and autonomy to the

States in the country. Mr. Vice-Chairman, you are aware that even before the Constitution was brought into force, and even before the first General Elections were held for the State Assemblies and Parliament, in the year 1951 itself, a Constitution (Amendment) Bill was brought forward by the late Prime Minister, Shri Jawaharlal Nehru. When the Justice Party was ruling in Tamil Nadu, a Communal G.O. was issued and the reservation policy was brought into force. The reservation policy was struck down by the High Court. Even before the elections were held for the Assemblies and Parliament, due to the steps taken by leaders like late Kamaraj, our leader, Anna, and others, the first Amendment to the Constitution was brought forward as early as in 1951.

The first point which I want to make is that the Rajamannar Committee, which was constituted by the DMK Party, being the ruling party then, had submitted a Report. In that Report, it was stated that more powers and autonomy should be given to the States.

As far as the second point is concerned, even in the election manifesto of the NDA, it has been clearly stated that a Committee will be constituted to review the Constitution, and, in fact, a mandate was sought by the NDA partners on the question that the Constitution would be reviewed if the NDA came to power. So, as far as the review of the Constitution is concerned, we wholeheartedly welcome it. Even if the Constitution is reviewed, hon. Members are aware that when the 24th amendment was brought, a case was filed before the Supreme Court -- it was a very notable case called the Kesavananda Bharati case -- the 13 judges who adorned the apex court gave the ruling that as far as the basic features and structure of the Constitution and the fundamental rights enshrined in the Constitution were concerned, there should not be any infringement. They further said that by no stretch of imagination, should the rights now available to the minorities, to the Scheduled Castes and the Scheduled Tribes, to the weaker sections of the society and to women, be taken away. Necessary protection should be given to them. So, we request that even if the Constitution is reviewed, the principles of federalism should be followed in full spirit. What is federalism? It is independence of the judiciary and giving of more powers to the States. All these things should not, in any way, be taken away from the Constitution. If there is no such provision in the Constitution then the recommendation should be made to include the necessary provision in the Constitutions.

Mr. Vice-Chairman, Sir, we are fully aware of the fact that as far as Germany is concerned, there is no post of Governor there. Our principle, our

4.00 P.M.

aim, and our motto, is that there should not be any Governor's post in India also. We have been fighting for this ever since the report stating that the Governor's post should be abolished was submitted by Rajamannar. That apart, our fight and our aim is that article 356 should not be there in the Constitution. Article 356 of the Constitution empowers the Central Government to use it according to its whims and fancies in order to dismiss any State Government. And many democratically elected State Governments have been dismissed on several occasions. So, our request is that article 356 of the Constitution should be deleted from the Constitution.

Only a few days ago, a resolution was passed in the Inter-State Council's Standing Committee Meeting in which all the State representatives took part. In that Committee, several resolutions, pertaining to the provisions now contemplated in the Constitution, were passed. Our request is that the resolutions which you have passed in the Inter-State Council's Standing Committee should be included in the report that the Committee is going to submit in due course of time. I request that before an amendment is made in the Constitution, the report should be laid before Parliament and that it should be circulated to all the States. And there should not be any apprehension, as far as the constitution of the review committee is concerned.

Why do we have apprehensions? What is going to happen? After all, we have seen that there were several amendments since independence. Nearly 80 amendments to the Constitution were brought. Out of that, seventy or seventy-four amendments were brought when the Congress Party was in power. We have to understand one thing. When this Constitution was brought into force, when the Resolutions were passed in the Constituent Assembly, one party was ruling at the Centre as well as in all the States. Now, we can see that there is no possibility for any party to come to power singely, as far as the Centre is concerned. The extenuating circumstances or the circumstances which were available then were entirely different from the circumstances that are available today. We can see now that there is no possibility for any single party to rule this country. Definitely the situation has changed. Today the situation, after 50 years of independence, is different from the situation that was available when the Constitution was put into force in the year 1950. As far as this country is concerned, there are several religions, several languages and several cultures from Kanyakumari to

Kashmir. To maintain the integrity of the country and to keep India one and undivided, the Constitution should be reviewed. If the Constitution is to be reviewed, more powers should be given to the States. Then only integration of this country could be sustained and maintained. So, my respectful submission before this august body is that, as far as our party is concerned, being one of the members of the NDA, we whole-heartedly support the constitution of the Constitution Review Committee. We feel it is necessary and it should prepare its report after taking into consideration all these factors and inviting the views of people from different walks of life as to what amendments should be made in the Constitution.

With these words, on behalf of my party, I whole-heartedly welcome the constitution of the Constitution Review Committee. It should start its work as early possible and submit its report, as I suggested earlier, after circulating it to all the States before submitting to the Government. With these words, I conclude.

DR. ARUN KUMAR SARMA (Assam): Thank you, Mr. Vice-Chairman, for giving me this opportunity. Being a Member from a regional party, the Assom Gana Parishad, with a national outlook, I have some strong points to make on this particular issue. I personally feel that this Constitutional review is not enough to solve the problems faced by the nation presently. I want to go one step further and urge that we should go in for another Constitutent Assembly for totally restructuring our Constitution, leaving this secularism point intact. I will put forward my argument on these points. The present Constitution was a product of the Government of India Act of 1935 and this was first promulgated during the British time. Subsequently, number of Constitutions of other countries were consulted by the Constituent Assembly and this Constitution was framed. The framers of the Constitution could not visualise many of the situations which are prevailing today. And that is a matter of discussion today; whether we should stick to this particular document, or, we should change it, or, whatever was decided by our forefathers, we will have to follow that, whether it is good or bad. We must review what has happened over the last 50 years. But that review need not be done by a review committee. It should be reviewed by the entire House, it should be reviewed by the Lok Sabha and the Rajya Sabha. Therefore, another Constituent Assembly is needed because we have gone in for globalisation, we have gone in for changing our economy, and, therefore, we have to protect our interest. During this period, a number of Law

Commissions have recommended that we are still following thousands of outdated laws which are redundant, which are not relevant in the present context. Many of the laws which were framed at that time are not at all relevant in the present context, but still they are continuing. Therefore, there should be a thorough introspection. As a Member of this House, I have some personal assessment as to what is the rootcause of this problem. The rootcause of this problem is that this Constitution could not enthuse any feeling of nationality amongst the various sub-nationalities of the country, which constitute these days what is called our Indian nation. The concept of the Constitution is, " India is a union of States". The original concept of framing this Constitution was to make India a truly federal country. I can quote some of the observations made by Sardar Patel as to what was the original concept during the time of framing this Constitution. On 15th of July, 1947, Sardar Patel, suggested that "600-odd princely States might accede to the Indian Union only on defence, foreign affairs and communication, the subject in which the common interest of the country is involved. In other matters, they could have autonomous existence." But after attainment of freedom the terms 'federal' or 'federation' did not find a place in our Constitution anywhere. A memorandum of the Indian Constitution placed in the Constitutent Assembly used the term 'federation', but the Drafting Committee, headed by Dr. B.R. Ambedkar, deleted the word 'federation' and substituted the same by the term 'Union' i.e. "India shall be a Union of States." What was the logic of making India a Union of States? It was thought that there were many ethnic groups, there were many small nationalities, there were many smaller States which were to be looked after, which were very weak or poor, which were to be brought to the national level, brought on par with the developed areas. Therefore, the resources have to be distributed by the Centre so that there could be equal development in the entire country and India could stand as one nation. But, Sir, what has been our experience in the last fifty years? Today, as is evident, many regional parties have come up all over the country. Why? Because the grievances of small parties and small groups were not addressed to. There is regional disparity in resource disbursement. There is the Finance Commission which is a Constitutional body. The Finance Commission gave a mandate for devolution of financial resources. But what about the Planning Commission? The Planning Commission is an extra Constitutional body. It is not a statutory body. It was formed by a Resolution of the Cabinet. All the

resources of the States were accumulated at the Centre by the influence of vocal Members, influential States and strong politicians. All the resources were given to the privileged areas and as a result a lot of developed States had developed further thereby making the other smaller States and backward regions further backward. Sir, now we are going to compete with the developed nations of the world. Some of the States in the country are not in a position to compete with the other States in the country itself, not to speak of other countries. There is no protection to them. Because of the ambiguous provisions in our Constitution, the question of citizenship could not be finalized. We are allowing citizens of other countries to come into our country and we are giving them the voting right and also citizenship. They are getting every facility at the cost of the indigenous people who have been in India since independence. For example, in Assam 30 per cent of the people who were originally from East Pakistan were given voting rights. They are now deciding our political destiny. Due to certain weaknesses in our Constitution, we do not have any list of citizens and we do not have any register of citizens. Anybody can come here and become a voter. India is probably the only country where we do not have any norms and we do not have any national feeling. Nobody is accountable to the nation. What has happened during the last 50 years is, individual rights have been given the first priority. I would like to give an example.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please conclude.

DR. ARUN KUMAR SARMA: Sir, the State Government decided to expand a road in Guwahati. They allocated money for this purpose. They decided to expand a road for the benefit of the people. Some people went to the court. They were illegal occupants of Government land. They pleaded before the court that it was their land and that their rights were being infringed. They asked the court to give a stay order. They got a stay order. Sir, that road could not be expanded because of a few individuals. Sir, we have not properly elaborated the fundamental rights. So far as the Directive Principles of State Policy are concerned, we have not made statutory obligations. There are many provisions in our Constitution which are ambiguous. We don't have any solution for certain problems. Take the case of Uttar Pradesh. In Uttar Pradesh no single party is in a majority. If no single party gets a majority, what does the Constitution say about it? The Constitution is silent on several things. We should not say that this is the only document which can save us. If necessary, we should restructure it so that

we can deliver the goods to the people. The greatest problem today is that nobody is accountable to anybody. The Government servants, irrespective of the fact whether they work or not, their service is secured. They can continue in their job; whether they indulge in corruption or not, their service is secured. The only thing is, the politicians are accountable. They have to face the people after five or six years. Otherwise, in India, nobody is accountable to the nation. The national feeling could not be developed by this document and, therefore, there is no harm if we go in for a total restructuring of the Constitution for the betterment of India. I am not in favour of scoring a point, but the basic structure of the Constitution must be the same. In Assam, what happened is, the people are aggrieved. Why are they aggrieved? In 1962, there was Chinese aggression. The Indian Army was withdrawn saying, "people of Assam - goodbye". The Prime Minister Pandit Nehru gave a statement, "My heart goes to the people of Assam. We could not save you." Because of that, there is a lot of resentment that while we are in distress we are not looked after, we are not protected. But for resources, Assam was fully exploited. The people of Assam feel that there is too much of centralisation with regard to resources. Even the BJP was not in favour of decentralisation. Now, after it has been compelled to cooperate with regional parties, they have changed their viewpoint. But, Sir, if we centralise our Parliamentary system, and our administrative system there will be chaos, there will be resentment and there will be disintegration. If we really want to integrate India, we should totally make our Constitution a federal Constitution. We should give full autonomy to the States. We should allow the States to manage themselves with whatever resources they have . They should not always be made to ask the Central Government for help or come to Delhi for their rescue. The Central Government front is there. It is a foreign debt that we have taken. The situation today is that, the ratio of external debt to the GDP was 41 per cent in 1991-92, and the external value of the debt in September 1999 stood at 98.87 billion U.S. dollars. So, what happened was when there was money, we did not distribute the money equitably, the resources, properly. There was regional imbalance, and there accrued heavy interest we have to pay now. We could not develop our infrastructure. We could not remove the regional imbalance in our development and there is resentment among the backward areas. The population is feeling that the Central Government in Delhi is still maintaining the colonial policy of exploiting the resources of the States. The situation of Bihar is worse

economically because Bihar has not developed in proporation to the resources it is having. Economically, Assam was in the first position in the national economy at the time of independence, it is now one of the poorest States of India. Assam had contributed in tea. The first oil refinery was established in 1887 there and Assam had made a strong contribution to the national economy. But because there was improper devolution of resources, the smaller States were not given their due share. There is another issue. What is the representation of the smaller national entities like the Nagas, the Mizos,or the Arunachalis who are part of the big Indian nationality? Nagaland has one M.P. Mizoram also has one Member of Parliament. Do you think that by giving a hearing to one Member of Parliament, we can give better justice to them? We can...

THE VICE-CHAIRMAN (SHRI MD. SALIM):Please conclude now. Please conclude.

DR. ARUN KUMAR SARMA: The entire system should be changed and there should be full devolution of powers, full autonomy to the States and I will also suggest that... *(Interruptions)* Sir, my suggestion is that we should aim at preserving and promoting the unity and integrity of the country, giving a permanent shape to Indian nationalism; there should be complete restructuring of the Indian Constitution with full autonomy to the States so as to make it a truly federal Constitution. That restructuring must ensure full devolution of powers to the States, leaving only currency, communications, defence and foreign affairs with the Centre. All other powers should be vested in the States. What is the present concept? The original Constitution has been amended so many times by successive Governments, and on all those occasions, they have amended it in favour of more and more centralisation of power, by bringing the powers of the States to the Centre, making the States weaker and weaker. But as the British did, as the colonialists did, the liabilities were passed on to the States. The problems of every State are...

THE VICE-CHAIRMAN (SHRI MD. SALIM): You please conclude now.

एक माननीय सदस्य : सरकारिया कमीशन डिस्कस कर रहे हैं क्या ?

श्री नरेन्द्र मोहन : डिस्कस हो चुका है । हुज़ूर, आप ही के ज़माने में हुआ था ।

श्री हंसराज भारद्वाज (मध्य प्रदेश): तब ऐसी खराब हालत नहीं थी जो आज है। हम लोग फिर भी डिसिप्लिन से रहते थे। ...**(व्यवधान)**...

श्री सुरेश पचौरी : जिनका सहयोग ले रहे हो, वही सहयोग नहीं दे रहे हैं । ...(व्यवधान)...

श्री नरेन्द्र मोहन : शर्मा जी, बता दीजिए कि आसाम की हालत क्या है ।

DR. ARUN KUMAR SARMA: But the resources of the States are the resources of the country. That is the reason why regionalism has started in the entire country. If we want to save the national unity and integrity and if we want to have a stronger nation, capable of competing with the developed nations of the world, we must restructure this Constitution.

THE VICE-CHAIRMAN (SHRI MD. SALIM):Please conclude. Please conclude now. We know you have very valuable points, but the question is of time.

DR. ARUN KUMAR SARMA: This is the last point. *(Interruptions)*

SHRI NARENDRA MOHAN: Sir, we are ready for a discussion. We request you to allow us to have a discussion and we want you to participate in the discussion.

DR. ARUN KUMAR SARMA: Sir, there is one point. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM):: You please conclude. *(Interruptions)* नरेन्द्र जी, बोलने दीजिए ना उनको ।

श्री हंसराज भारद्वाज : ये अपने मिनिस्टर को नहीं बोलने दे रहे हैं ।

DR. ARUN KUMAR SARMA: Before concluding, I want to make one observation. The rights of the smaller nationalities could not be protected by the Constitution. So, there should be adequate provisions so that the smaller nationalities' interests could be protected because India became a nation on the basis of language, and that has to be respected. Secondly, nobody should be treated as a second-class citizen. Every State, every corner in the country, should be given equal opportunities of development, equal opportunities of expression, equal respect, and the things that were denied to

us for the last fifty years should be given due attention now. We should not be treated as if we are at the mercy of somebody. It is the legitimate claim of the States to have adequate compensation now to recover the loss due to the neglect of fifty years and because of the wrong policies of the Central Government. Thank you.

SHRI R.S. GAVAI: Mr. Vice-Chairman, Sir, I rise to oppose the Resolution tooth and nail - with whatever teeth I have and strong nails I have. Sir, the review of Constitution is unnecessary and unwarranted. Sir, I am mentally prepared to have a long speech but because of your direction and the consensus of the House, I will be very brief. I will finish within six or seven minutes - not more than that.

Sir, has the Constitution failed, or those who implemented the Constitution have failed? I quote from the speech of the hon. President, which he made during the Golden Jubilee of the Republic. He said, 'Dr. Ambedkar claimed that the Constitution is workable; it is flexible and is strong enough to hold the country together, both in peacetime and wartime. If I may say so, if things go wrong under the new Constitution, the reason will not be that we had a bad Constitution. What we will have to say is that the man is vile' Today, there is so much talk about revising the Constitution or even writing a new Constitution. We have to consider whether it is the Constitution that has failed us, or, it is we who have failed the Constitution. Sir, where is the necessity for the review of the Constitution? As a matter of fact, the founding father of the Constitution and the chief architect of the Constitution, Dr. Babasaheb Ambedkar, has provided a proviso, article 368, under the Constitution. I quote Dr. Ambedkar regarding the amending proviso. What has he said? "The assembly has not only refrained from putting a seal of finality and infallibility upon this Constitution by denying to the people the right to amend the Constitution as in Canada or by making amendments of the Constitution, subject to the fulfillment of extraordinary terms and conditions as in America or Australia, but has provided a more special procedure for amending the Constitution. I challenge any of the critics of the Constitution to prove that any Constituent Assembly anywhere in the world had, in the circumstances in which this country finds itself, provided such a special procedure for amending the Constitution." When there is a provision, why this futile exercise?

Sir, we had our apprehension regarding the review of the Constitution. We feel that the review of the Constitution should not disturb the basic structure of the Indian Constitution. What is that? (1) The supremacy of the Constitution; (2) The democratic form of government; (3) Sovereignty of the nation; (4) Secular and democratic character of the Constitution. (5) dignity of the individual (6) basic rights empowered by fundamental rights (7) Directive Principles, a mandate to build up the welfare State and (8) unity and integrity of the nation.

Sir, I again quote Dr. Ambedkar because I have an apprehension with regard to the review of the Constitution. He said, "Will history repeat itself? it is this thought which fills me with anxiety and that anxiety is deepened by the realisation of the fact that in addition to our old enemies in the form of castes, creeds, we are going to have political parties with diverse and opposing political creeds. Will Indians place the country above their castes, creeds and religion or will they place the creeds above the country." Sir, I have narrated a quotation which rather creates apprehensions in the minds of those who apply their minds rationally and logically. Therefore, I dare say that in a move to review the Constitution there is a hidden agenda before it. I boldly say this in this House. Why? Sir, the chief of the RSS, Sudarshanji has made a statement that the Indian Constitution should be scrapped. Secondly, the Sangh Parivar and their ideology is not based on equality and democracy. They have no regard for the dignity of an individual...*(Interruptions)*...

SHRI S.S. AHLUWALIA: Sir, I am on a point of order. ..(Interruptions)... Sir, can we name a person who cannot defend himself in this House? ...*(Interruptions)*... Can he do that? ...*(Interruptions)*...

SHRI R.S. GAVAI: Facts are facts. ...*(Interruptions)*... I am only quoting that which appeared in the Press. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): You do not refer to the names of those who are not present in the House. ...*(Interruptions)*...

SHRI R.S. GAVAI: Okay, I withdraw, and I say RSS chief. ...*(Interruptions)*... But, the facts remain facts. We cannot conceal them. The chief of the RSS has unequivocally declared that the Indian Constitution should be scrapped. ...*(Interruptions)*... I am not in the habit of interrupting. Please excuse me. I happened to be the Presiding Officer in the

Maharashtra Assembly. ...*(Interruptions)*.. I only quote the facts. ...*(Interruptions)*... You know the philosophy of the RSS is not based on democratic principles. ...*(Interruptions)*..

SHRI NARENDRA MOHAN: Why do you forget that Shrimati Indira Gandhi appointed Swaran Singh Committee? ...*(Interruptions)*...

SHRI R.S. GAVAI: I am free to have my apprehension that a hidden agenda is there. ..*(Interruptions)*.. Sir, I support my stand...*(Interruptions)*... I do not want to name a gentleman who happens to be in the Cabinet who wrote a book designated as Worshipping the False Gods. The BJP clarified that it was the opinion of that particular man. ** *(Interruptions)*...

SHRI ARUN SHOURIE: Sir, he is taking my name. ...*(Interruptions)*.. I should be given an opportunity. ..*(Interruptions)*...

एक माननीय सदस्य : आर.एस.एस. कहिए । आर.एस.एस. यहां मौजूद है । ...(**व्यवधान**)...

श्री एस.एस.अहलुवालिया : अगर नाम लेंगे तो मुसीबत में पड़ जाएंगे । फिर हम बहुत सारे नाम लेंगे । .

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : सुनने दीजिए, वह क्या कह रहे हैं ? ...(**व्यवधान**)...वह यहां पर मौजूद हैं । ...(**व्यवधान**)...

SHRI R.S. GAVAI: Sir, I have not taken the name...*(Interruptions)*...I appeal to the hon. Member...*(Interruptions)*...

SHRI ARUN SHOURIE: Sir, an allegation has been made against me. So, I should be allowed to respond...*(Interruptions)*...

SHRI R.S. GAVAI: No, no ...*(Interruptions)*...I have not quoted anybody's name...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): I will check the record. If there is any such thing, you will get a chance..*(Interruptions)*...

SHRI R.S. GAVAI: I say rule at least, you follow the rules and the procedure....*(Interruptions)*...

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*Expunged as ordered by the Chair.

THE VICE-CHAIRMAN (SHRI MD. SALIM): Please, allow him to complete..*(Interruptions)*...

SHRI R.S. GAVAI:Sir, as a matter of fact, there are conventions that when a new Member is making his maiden speech, he should not be obstructed and interrupted...*(Interruptions)*...My second apprehension is, the BJP declared that they would not demolish the structure of Babri Masjid. They had submitted an affidavit in the court. But, they demolished the structure of Babri Masjid on 6th December. That is the *parinirvan* day of Dr. Babsaheb Ambedkar. It was not the demolition of Babri Masjid but it was rather the demolition of the Constitution. So, I have got a sound apprehension. I happened to be a Member of the 12th Lok Sabha. I was not here. There was an assurance given by the hon. Prime Minister that all derogatory Office Memoranda issued by the Department of Personnel, in relation to the SC/STs, which are detrimental to the spirit of the Constitution, would be withdrawn. That assurance has not yet been fulfilled. Another assurance was given, on the floor of the House, that a comprehensive legislation would be passed to deal with the problems of the SC/STs. So, my apprehension seems to be logical and rational that there is a hidden and mallicious agenda in thename of Reviews. Thank you.

उपसभाध्यक्ष (श्री मोहम्मद सलीम): उनको बोलने दीजिए...**(व्यवधान)**... नरेन्द्र मोहन जी, क्या आप मुझसे कह रहे हैं?

श्री नरेन्द्र मोहन: जी हाँ, मैं आपसे कह रहा हूँ ज़रा उनको चुप करा दीजिए। सर, मेरी एक रिक्वेस्ट है कि दिसम्बर में जब यह संकल्प विचारार्थ आया था, उस समय आपकी कृपा से और सदन की कृपा से मेरा नाम बोलने के लिए लिखा गया था। इसके उपरान्त पुनः इस बार जब यह आया है, तब भी मैंने अपना नाम दिया और इस बार भी मेरा नाम आ गया। उसके बाद जो लोग हमारे बाद आए, उनके नाम बोलने के लिए आए तो यह कौन सा सिस्टम है? यदि कोई नई नीति बनाई गई है तो मुझे पता नहीं है लेकिन अभी तक तो यही नीति रही है कि जिसका नाम पहले आता है, उसको पहले बुलाया जाता है। एक सीरियल ऑर्डर होता है...**(व्यवधान)**...

श्री राजूभाई ए. परमार: आप ही के लोगों की डिमांड थी।

श्री नरेन्द्र मोहन: मुझे अपनी बात कह लेने दीजिए। हमारे यहाँ की एक नीति रही है कि प्राइवेट मैम्बर रिज़ॉल्यूशन में जो नाम पहले आता है, उसको उसी क्रमानुसार

बुलाया जाता है, टाईम भी लिखा जाता है। क्रमानुसार आने की वजह से मेरा नाम आ जाना चाहिए था।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप बहुत कुछ जानते हैं, पता चल रहा है।

श्री नरेन्द्र मोहनः नहीं, नहीं, मुझे अपनी बात पूरी करने दीजिए। या तो आप व्यवस्था दीजिए कि क्रमानुसार बुलाने की जो परंपरा है, वह तोड़ दी गई है, अन्यथा आपने यहाँ नए लोगों को बोलने के लिए कैसे बुला लिया किसके नाम हमारे बाद आए हैं?

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आपका जो प्वाइंट ऑफ ऑर्डर था, मैंने सुन लिया। अब प्वाइंट ऑफ ऑर्डर पर आप भाषण नहीं दे सकते।

श्री नरेन्द्र मोहनः नहीं, मैं भाषण नहीं दे रहा हूँ, मैं तो सिर्फ पूछ रहा हूँ आपसे।

उपसभाध्यक्ष (श्री मोहम्मद सलीम): इससे पहले भी यह बात आई थी और दूसरे सदस्यों ने भी यह बात बोली थी। मैंने इसको डिसपोज़ करते हुए कहा था कि यहाँ एक परंपरा है और उसी परंपरा के अनुसार कार्यवाही चलाई जा रही है। नाम बहुत हैं। अगर यह फिर स्पिल ओवर कर गया अगले सेशन के लिए तो उसके बावजूद भी सब नहीं बोल पाएंगे। मैंने खुद कहा था कि दो-तीन मैम्बर बोलेंगे, चार मैम्बर बोल चुके हैं। आपकी संतुष्टि के लिए मैं हाऊस की सेन्स ले रहा हूँ।...**(व्यवधान)**...

श्री नरेन्द्र मोहनः महोदय, संतुष्टि की बात नहीं है, मैंने आपसे व्यवस्था मांगी है।...**(व्यवधान)**... I am on a point of order...*(Interruptions)*....

SHRI RAJU PARMAR: What point order?...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): अभी 20-21 मिनट का समय रह गया है ओर इसमें मंत्री जी को बोलना है। इसके जो मूवर हैं, उनको बोलना है। अभी हाऊस को बताना है कि यहाँ कितने नाम हैं, जिस तरह से नरेन्द्र जी बोल रहे हैं...**(व्यवधान)**...

श्री एस.एस. अहलुवालियाः मंत्री जी कैसे बोलेंगे? पहले सदन के सदस्य बोलेंगे।

श्री नरेन्द्र मोहनः नहीं, नहीं, मुझे यह बताइए कि मेरा नाम पहले क्यों नहीं आया? क्या व्यवस्था बदल दी गई है?

उपसभाध्यक्ष (श्री मोहम्मद सलीम): आप हमें बोलने देंगे पहले?...**(व्यवधान)**...

श्री नरेन्द्र मोहनः सर, मेरा सबमीशन दूसरा है। मैं अपनी बात समझा नहीं पा रहा हूँ आपको।

SHRI ARUN SHOURIE: I am on a point of order ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): पहले सुन लीजिए, मंत्री जी क्या बोल रहे हैं? सुन लीजिए।

SHRI ARUN SHOURIE: Sir, I have a point of order under rule 238. *(Interruptions)*

AN HON. MEMBER: Is he raising the point of order as a Member, or, as a Minister? *(Interruptions)*

SHRI ARUN SHOURIE: As a Member, Sir. *(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM): No, he is a Member also. ...*(Interruptions)*...

SHRI ARUN SHOURIE: Sir, I am not in the habit of raising many points of order. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : यदि चेयर की जिम्मेदारी आप सब लोग लेंगे तो बड़ी अजीब बात हो जाएगी। I have allowed him. *(Interruptions)* It is very unfortunate. I have identified the Minister and you are not allowing him to speak. ...*(Interruptions)*...

SHRI ARUN SHOURIE: Sir, the Member, while speaking, shall not make a personal charge against the other Member. I am speaking in that capacity only. It was said by the learned speaker before ** Sir, that is the point to which I am trying to draw your attention, and for that he said, "He is being rewarded with X, Y, and Z." Sir, that is a very grave aspersion caste by one Member against another. Therefore, Sir, I would request, through you, the hon. Member to either withdraw that comment, or, please permit me to answer that comment fully. Just on that point. ...*(Interruptions)*... You know, I am not very much in the habit of raising points of order. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : रिकार्ड देखना पड़ेगा कि एलिगेशन्स लगाए गए हैं या नहीं...**(व्यवधान)**... बैठिए। आप बैठिए।

श्री संजय निरुपम (महाराष्ट्र): आप मुझे समय नहीं दे रहे हैं। ...**(व्यवधान)**...

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*Expunged as ordered by the Chair.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप बैठिए। गवई जी, आपने सुना, माननीय सदस्य जो अभी मंत्री हैं, इन्होंने कहा है कि किसी सदस्य के नाम से चार्ज नहीं लगा सकते।

SHRI R.S. GAVAI: No, no. I was so gentle, and in spite of knowing the fact that Mr. Arun Shourie is here, I did not utter his name. But, whatever I feel...*(Interruptions)*... I cannot conceal it...*(Interruptions)*... It is not an allegation...*(Interruptions)*... Whether it is a fact, that gentleman has written a book "Worship of the False God". Now, if you want me to explain it further...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): No, no. You need not to explain it further. *(Interruptions)*

SHRI ARUN SHOURIE: He is compounding that. (Interruptions) He should withdraw his comment, or, he should explain the things. *(Interruptions)* Why not? *(Interruptions)*

श्री रामदास अग्रवाल : सारे सदन ने सुना है। ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : आप क्या चाहते हैं, बताइए?

श्री रामदास अग्रवाल : ये शब्द वापस लिए जाएं, बात खत्म हो जाएगी। ...**(व्यवधान)**...

श्री संजय निरुपम : सर, माननीय सदस्य ने कहा है *...**(व्यवधान)**...

THE VICE-CHAIRMAN (SHRI MD. SALIM) : This is not....*(Interruptions)*

श्री एस.एस. अहलुवालिया : सर, एक सदस्य के द्वारा यह गंभीर आरोप लगाया गया है और सदस्य द्वारा इसे वापस लेना चाहिए। ...**(व्यवधान)**...

श्री संजय निरुपम : *... **(व्यवधान)**...

SHRI PRANAB MUKHERJEE: I moved a motion under 244(1) and I left it to your judgement. Now some Members have spoken, you please give your verdict. ... *(Interruptions)*...

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*Expunged as ordered by the Chair.

SHRI RAMDAS AGARWAL: Kindly don't interrupt unnecessarily. You are a very senior leader. *(Interruptions)* At the moment, we are asking Mr. Gavai as to what did he say. *(Interruptions)* We want that he should withdraw his words, what he has charged against Mr. Arun Shourie. *(Interruptions)* Why are you bringing 244 and all that? Let him give his explanation. *(Interruptions)* आप बार- बार 244 की बात क्यों कर रहे हैं, यह समझ में नहीं आता। ...**(व्यवधान)**...या तो वे अपने शब्द वापस लें या फिर मंत्री जी को स्पष्टीकरण देने का मौका दें। ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) :आप बार- बार मंत्री जी को क्यों कह रहे हैं, आप मशविरा दे रहे हैं क्या? ...**(व्यवधान)**...

SHRI PRANAB MUKHERJEE: Before other Members, especially before Dr. Sarma, I started speaking, referring to rule 244, clause (1), and I left it to your judgement that...*(Interruptions)*

THE VICE-CHAIRMAN (SHRI MD. SALIM) Mr. Gavai ...*(Interruptions)*... No, I am sorry ...*(Interruptions)*... Mr. Shourie is here ...*(Interruptions)*... Please sit down ...*(Interruptions)*... Mr. Ahluwalia ...*(Interruptions)*...

AN HON. MEMBER : We cannot tolerate like this. Either it should be withdrawn or ...*(Interruptions)*...

SHRI RAJU PARMAR : Address the Chair, not the Member ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Are you interested in disposing of the matter? I am interested in disposing of this matter. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Unless you take your seat ...*(Interruptions)*...बैठिए आप, आप बैठिए ...**(व्यवधान)**...

SHRI ARUN SHOURIE : Sir, actually ...*(Interruptions)*...

श्री जलालुदीन अंसारी (बिहार) : आपका आर्डर नहीं चलेगा ...**(व्यवधान)**...

श्रीमती सरोज दुबे : आप लोगों ने गरीबों की आवाज दबा दी है । आप गरीब विरोधी हैं, आप किसान विरोधी हैं, आप लोगों ने गरीबों के साथ अन्याय किया है ...**(व्यवधान)**...

SHRI S.S. AHLUWALIA : Sir, you please direct the Member ...*(Interruptions)*...

SHRI ARUN SHOURIE : Sir, I want to elaborate on the matter ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) मैडम, अगर अकेले-अकेले सब चीखेंगे तो हाउस की कार्रवाई किस तरह चलेगी ...**(व्यवधान)**...

SHRI ARUN SHOURIE : Sir, Mr. Gavai has just compounded the matter. Now, I request you to look at Rule 238. It says, "A Member while speaking shall not make a personal charge against a member." Sir, when Mr. Gavai was given the opportunity to speak, he compounded it and, therefore, the matter comes under Rule 238A. He has not withdrawn it. He has added further things to it. Rule 238A says, "No allegation of a defamatory or incriminatory nature shall be made by a member against any other member or a member of the House unless the member making the allegation has given previous intimation to the Chairman and also to the Minister concerned so that the Minister may be able to make an investigation etc." Now, Sir, no notice was given. A definite imputation has been made against me.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Mr. Shourie, you have made your point. ...*(Interruptions)*... I am asking him to withdraw it. ...*(Interruptions)*... Please sit down. ...*(Interruptions)*... Mr. Gavai ...*(Interruptions)*... Please do not dictate ...*(Interruptions)*...आपने सुना इस तरह से किसी के नाम पर आप कोई चार्ज नहीं लगा सकते । आप माननीय सदस्य हैं । मैं इसे रिपीट नहीं कर रहा हूं, आप खुद इसे फिर से रिपीट कर रहे हैं तो आप क्या यह विदड्रा कर रहे हैं ...**(व्यवधान)**...

SHRI R.S. GAVAI : No, no ...*(Interruptions)*...

SHRI S.S. AHLUWALIA : Sir, nothing less than the withdrawal of the words ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): देखिए, ये सब एक्सपीरियेंस्ड सदस्य हैं ...**(व्यवधान)**...

श्री रामदास अग्रवाल : उनको अपने शब्द वापस लेने चाहिए ...**(व्यवधान)**...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): संजय निरूपम, अहलुवालिया जी, जो ये सब बोल रहे हैं ये सब एक्सपीरियेंस्ड सदस्य हैं । आप उनकी बात सुनिए ...**(व्यवधान)**... आपने जो कमेंट किया है क्या आप उसको विदड्रा कर रहे हैं ?

SHRI S. S. AHLUWALIA: It is so simple, Sir. ...*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम): अभी आप चर्चा चाह रहे थे ।

SHRI S. S. AHLUWALIA: You want to give an explanation ....*(Interruptions)* ....

THE VICE-CHAIRMAN (SHRI MD. SALIM): This is very unfortunate. This is very unfortunate.आप बैठिए । आप इसको नहीं करना चाहते? Why are you complicating this? संजय निरूपम जी बैठिए । ...**(व्यवधान)**...

गवई जी, आपने हमारे माननीय सदस्य, जो मंत्री हैं और जो किताब भी लिखते हैं, उनके लिए, जिस तरह से आपने उनकी सदस्यता के बारे में और किताब लिखने के बारे में कहा वह सही नहीं है, हमारे सदन के हिसाब से नहीं है । इसलिए मैं आपसे यह रेक्वेस्ट करूंगा कि आप इसको विदड्रा करें ताकि फिर हम दूसरे मामले में जा सकें ।

SHRI R. S. GAVAI: Sir, I am well aware of the rule, what the rule says...*(Interruptions)* ....

THE VICE-CHAIRMAN (SHRI MD. SALIM): This cannot be tolerated.

श्री रामदास अग्रवाल : यह तो बहुत ज्यादती है ।अगर उन्होंने कहा है और हम सब ने सुना है और वह आपत्तिजनक है तो आप उसको रिकार्ड में से निकाल दीजिए । अगर आपको लगता है कि यह ठीक है तो यह आपका अधिकार है । ...**(व्यवधान)**...

SHRI R. S. GAVAI: Sir, if you hear me patiently, I made ....*(Interruptions)* ....No, no. ....*Interruptions)* .....

THE VICE-CHAIRMAN(SHRI MD. SALIM): Mr. Ahluwalia, you cannot obstruct the proceedings of the House. Sit down..... *(Interruptions)*....

SHRI R. S. GAVAI: I never made any allegation. These are facts. Facts remain facts. ....*Interruptions)* .....

That gentleman has written a book. He has levelled derogatory allegations against Dr. Babasaheb Ambedkar. I never made any allegation. ...*(Interruptions)* ...

Whether it is a fact that he has written a book or not and whether he has made any allegations against Dr. Babasaheb Ambedkar or not, the allegations are false. I cannot withdraw it. I won't do that.

SHRI S. S. AHLUWALIA: He has said, "No."..*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : मैं विदड्रा के लिए बोल रहा हूं । ...*(Interruptions)*...Ahluwaliaji, this is unbecoming. You are a senior Member. We are happy that you have come back. But you should know how to conduct yourself in this House...*(Interruptions)*...आप बैठिए । दस आदमी एक साथ नहीं बोल सकते । आप बैठिए ।Mr. Ahluwalia, you are obstructing the proceedings of the House deliberately. Let me dispose it off. ...*(Interruptions)*....मैं इस मामले को डिसपोज आफ करूंगा ।You are deliberately obstructing the proceedings of the House. Mr. Gavai, either you withdraw your remarks, or I will have to expunge them. You cannot make derogatory remarks against a Member. Either you withdraw the remarks, or I will have to expunge them. ...*(Interruptions)*...

SHRI GHULAM NABI AZAD (Jammu and Kashmir): Sir, he has been in the Legislature for three decades. *(Interruptions)* You cannot dismiss him like that. You cannot counter him with your brute force. He has been a Chairman of the Council for decades. *(Interruptions)* This is not the way to cow him down. *(Interruptions)* You cannot browbeat him. He may be a new Member in the House, but he has been a presiding officer for more than a decade....*(Interruptions)*...

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : बैठ जाइये, मैंने रूलिंग दे दी है। ...**(व्यवधान)**...

SHRI RAMDAS AGARWAL: He might have been in the legislature for 30 years, but what he said is shameful.

उपसभाध्यक्ष (श्री मोहम्मद सलीम) :: अच्छा जो सदस्य खामोश बैठे हैं, उनको बोलने दीजिये ।...**(व्यवधान)...**

श्री रामदास अग्रवाल : हम उनका सम्मान करते हैं । ...**(व्यवधान)**... लेकिन सदन में किसी को गाली देना या किसी का अपमान करना ठीक नहीं है ...**(व्यवधान)**...

SHRI FALI S. NARIMAN (Nominated): Sir, I do not belong to any party. This has gone on for a great deal of time. It looks bad from outside the House. It was obviously a slip. I would therefore request him to stand up and say: "I withdraw my words". That would be gracious and it would be in the best traditions of the House. I have no axe to grind. I do not belong to any party. I would earnestly request him to kindly do that, for the sake of the House and for the dignity of the House.

5.00 P.M.

SHRI R.S. GAVAI: If he withdraws his book, I will withdraw my words. ...*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): Kindly allow the Minister to speak. He has a right to give a personal explanation. *(Interruptions)* हमने बताया है कि क्या करना है । ...**(व्यवधान)**...नारीमन जी ने भी कहा है । आप सहायता कर सकते हैं तो कीजिये । ...**(व्यवधान)**... मिनिस्टर को राइट है पर्सनल एक्सप्लेनेशन का । ...**(व्यवधान)**...

श्री सुरेश पचौरी : यह पास नहीं कराना चाहते हैं । ...**(व्यवधान)**... उनको अपनी हार निश्चित दिखाई दे रही है । ...**(व्यवधान)**...

SHRI ARUN SHOURI: Sir I would only recall for your...*(Interruptions)*... Mr. Vice-Chairman, Sir, ...

SHRIMATI CHANDRESH KUMARI: *

SHRI ARUN SHOURIE: The Chair is allowing me.

श्री सुरेश पचौरी : *

SHRI RAJU PARMAR: *.

श्री एस.एस. अहलुवालिया :*

श्री राजू परमार: *

SHRI S.S. AHLUWALIA: *

THE VICE-CHAIRMAN (SHRI MD. SALIM): Nothing will go on record except Mr. Shourie. I have identified Mr. Shourie. No other thing will go on record. Mr. Arun Shourie.

SHRI ARUN SHOURIE: Sir, I will ..*(Interruptions)*... Sir, with great respect...*(Interruptions)*..

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Nothing will go on record except what Mr. Arun Shourie is saying. ..*(Interruptions)*...

SHRI R.S. GAVAI: *

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*Not recorded.

THE VICE-CHAIRMAN (SHRI MD. SALIM) : Nothing is going on record. कुछ रिकार्ड नहीं हो रहा है। अरुण शौरी जी बोलेंगे उसके बाद होगा ...(**व्यवधान**)... खेल की बेटिंग के बारे में मंत्री महोदय का स्टेटमेंट का मामला है। लेकिन आप कुछ नहीं सुनना चाह रहे हैं ...(**व्यवधान**)...कुछ रिकार्ड पर नहीं जाएगा, आप बैठ जाइए ...(**व्यवधान**)... गवई जी बहुत बढ़िया आदमी हैं, आप बैठिए फिर गवई जी बोलेंगे ...(**व्यवधान**)...

श्री एस.एस. अहलुवालिया : *

उपसभाध्यक्ष (श्री मोहम्मद सलीम) : अरुण शौरी जी बोल दें फिर वे बोलेंगे ...(**व्यवधान**)...

Mr. Viirumbi. What do you want to say?

SHRI S. VIDUTHALAI VIRUMBI: Mr. Vice-Chairman, Sir, I think the Private Mewmbers' Business is over now. whether it is withdrawal or exunction, it should be dealt with by the Vice-Chairman. That is what I feel. it cannot be extneded beyond the time allotted by the Business Advisory Committee. you please decide and tell us. Whether way you decide, we will abide by it. Whether it is withdrawal or expunction, that is left to you ..*(Interruptions)*...

THE VICE-CHAIRMAN (SHRI MD. SALIM): I have allowed him i request him to ...*(Interruptions)... Mr. Gavai, you had been the Chairman of* the Legislative Council, you had been a Member of the Lok Sabha ...*(Interruptions)*...

SHRI S. VIDUTHALAI VIRUMBI:Sir, I want to a ruling on the point raised by me.

THE VICE-CHAIRMAN (SHRI MD. SALIM):Please wait a minute...*(Interruptions)*.... Some rule has to be observed. प्लीज, आप लोग बैठिए। ...(**व्यवधान**)... अगर मैं बोल रहा हूँ सदस्य से...(**व्यवधान**)...Mr. Gavai, you are a senior leader...*(Interruptions)*....

श्री संजय निरूपरम: मुआफी मांगिए, बोलिए सॉरी, मैं अपनी बात को वापस लेता हूँ ...(**व्यवधान**)...

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*Not recorded.

THE VICE-CHAIRMAN (SHRI MD. SALIM):The House stands adjourned till 11 a.m. on Monday, the 24th April, 2000.

The House then adjourned at seven minutes past five of the clock till eleven of the clock on Monday, the 24th April, 2000.